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NOTICE

The undermentioned Gazettes of India extraordinary were published upto the 3rd May, 1962:—

Issue No.	No. and Date	Issued by	Subject
182	S O 1205, dated 24th April, 1962.	Ministry of Commerce & Industry	Application for renewal of recognition and grant in respect of forward contracts in groundnut oil.
183	S O. 1206, dated 24th April, 1962.	Election Commission, India	Appointment of Assistant Returning Officer to assist the Returning Officer.
184	S O 1269, dated 25th April, 1962	Ministry of Law	Declaration to fill the vacancy in the Council of States.
185	S O 1270, dated 26th April, 1962.	Election Commission, India	Appointment of Assistant Returning Officer to assist the Returning Officer.
186	S O 1271, dated 27th April, 1962.	Ministry of Information & Broadcasting	Approval of films Specified therein.
187	S O. 1272, dated 28th April, 1962.	Ministry of Commerce & Industry	Requirements in respect of goods imported from abroad specified in column (2) of Part I of the Schedule.
188	S O. 1273, dated 28th April, 1962.	Ministry of Finance	The Central Civil Services (Revised Pay) fifth Amendment Rules, 1962.
189	S O 1274, dated 28th April, 1962.	Ministry of Commerce & Industry	Fixation of price for the various grades and qualities of rubber and latex of different concentrations

Issue No.	No. and Date	Issued by	Subject
190	S.O. 1275-ESS. COMM/Iron & Steel-AM (58), dated 28th April, 1962.	Ministry of Steel & Heavy Industries	Notifying the amendments to the normal selling prices.
191	S.O. 1276, dated 28th April, 1962.	Cabinet Secretariat	Amendment in the Government of India (Allocation of Business) Rules, 1961.
192	S.O. 1277, dated 1st May, 1962.	Election Commission, India	Corrigendum in S.O. No. 975, in the Gazette of India Extraordinary, Part II Section 3(ii), dated the 2nd April, 1962.
193	S.O. 1278, dated 2nd May, 1962	Ditto.	Resignation of Shri M. K. Krishnappa elected to that House from the Tumkur Parliamentary Constituency in the State of Mysore.
	S.O. 1279, dated 2nd May, 1962	Ditto.	Appointment of dates with respect to the bye-election to be held in the Tumkur Parliamentary Constituency.
	S.O. 1280, dated 2nd May, 1962.	Ditto.	Fixation of hours of polling for the election.
194	S.O. 1366, ESS. COMM/Iron and Steel AM(61), dated 3rd May, 1962.	Ministry of Steel & Heavy Industries	Notifying the revised maximum normal selling prices of wire and wire products.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 2nd May 1962

S.O. 1373.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Bhagirath, Village Gokula, C/o Shri Banarasi Lal, Cloth Merchant, Shamerganj, P.O. Ramsanehighat, Barabanki.	Ramsanehighat

[No. UP-HP/29/62(12)/36633.]

New Delhi, the 3rd May 1962

S.O. 1374.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 42 of 1962, presented to the Commission on the 7th April, 1962, under section 81 of the said Act, by Shri Partap Singh Daulta, son of Shri Man Singh, village Chimni, Tehsil Jhajjar, District Rohtak, calling in question the election to the House of the People from the Jhajjar constituency of that House of Shri Jagdev Singh son of Shri Prit Singh, village Barhana, Tehsil Jhajjar, District Rohtak.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI.

Presented to me by Shri Pratap Singh Daulta whose signature has been obtained in the margin and attested as having been signed before me this the seventh day of April, One Thousand Nine Hundred and Sixty-two.

Sd./- PRATAP SINGH DAULTA,

Signature attested.

Sd./- K. K. SETHI, 7-4-62

Under Secretary,
Election Commission, India.

Sd./- K. K. SETHI, 7-4-62.

Under Secretary,
Election Commission, India.

ELECTION PETITION NO. 42 OF 1962

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

AND

IN THE MATTER OF ELECTION TO THE HOUSE OF THE PEOPLE FROM
JHAJJAR CONSTITUENCY.

Partap Singh Daulta, son of Shri Man Singh, resident of village Chimni, Tehsil Jhajjar, District Rohtak.—*Petitioner.*

Versus

1. Jagdev Singh, son of Shri Prit Singh, resident of village Barhana, Tehsil Jhajjar, District Rohtak.—*Respondent No. 1.*

2. Ram Pat, son of Shri Lekh Ram Chamar, resident of village Ismaila, District Rohtak.—*Respondent No. 2.*

3. V. N. Kaushik son of Shri G. R. Kaushik, resident of 118, Than Singh Nagar, New Delhi-5—*Respondent No. 3.*

4. Jagan Nath, son of Shri Tehla Ram, resident of Delhi Gate, Rewari, District Gurgaon.—*Respondent No. 4.*

PETITION under Section 81 of the Representation of the People Act, 1951.

Respectfully Showeth:—

1. That the Notification No. S.O. 231, dated 20th January 1962, the President of India called upon all Parliamentary Constituencies in the State of Punjab to elect members in accordance with the provisions of the Representation of the People Act, 1951 and of the rules and orders made thereunder.

2. That by Notification No. S.O. 233, dated January 20, 1962, the Election Commission appointed, with respect to each of the above said elections—

(i) the 27th January 1962, as the last date of making nomination:

AND

(ii) the 24th February 1962, as the date on which a poll shall, if necessary be taken.

3. That the petitioner and the respondents were, along with four other persons, duly nominated as candidate for election to the House of the People from the Jhajjar Parliamentary Constituency.

4. That the result of the election to the House of the People from the Jhajjar Parliamentary Constituency was declared by the Returning Officer on the 27th February, 1962, and the petitioner and the respondents got the following number of votes respectively:—

Petitioner,	..	111005
Respondent No. 1	...	118667
Respondent No. 2	..	20665
Respondent No. 3	...	6929
Respondent No. 4	..	20433

The respondent No. 1 was thus declared elected to the House of the People from the Jhajjar Parliamentary Constituency, having secured the largest number of votes.

5. That there is a faction of Arya Samaj Leaders in the Hindi speaking area of Punjab comprising the following persons:—

- (i) Jagdev Singh, Respondent No. 1, Vice President, Arya Prati Nidhi Sabha, Punjab.
- (ii) Pandit Budh Dev, President, Arya Prati Nidhi Sabha, Punjab.
- (iii) Professor Sher Singh, Member, Antring Sabha Arya Prati Nidhi Sabha, Punjab.
- (iv) Mahashe Bharat Singh, Assistant Secretary, Arya Prati Nidhi Sabha, Punjab.
- (v) Acharya Bhagwan Dev, Member, Antring Sabha Arya Prati Nidhi Sabha, Punjab.
- (vi) Pyare Lal, Bhajnik, Secretary Gurukul, Jhajjar.
- (vii) Badlu Ram, Ex-M.L.A., Political Lieutenant of Professor Sher Singh.

4. That the above mentioned persons, were amongst the chief organisers of the illegal Hindi agitation in the year 1957. The real object of this agitation was to promote feelings of enmity and hatred between the Sikhs and Hindus of Punjab on the ground of religion and language, and afterwards to exploit these feelings for the promotion of their prospects in the general election to be held in 1962. That subsequently they actually exploited these feelings for the promotion of the election prospects of respondent No. 1.

7. That the above named persons had also organised a Vijay Divas (Victory Day) on the 1st January 1958 in Chhotu Ram Park, Rohtak just after the termination of the Hindi agitation, and on and from that day the respondent No. 1 began to hold himself out as a prospective candidate for the election to the House of the People from the Jhajjar Parliamentary Constituency. Acharya Bhagwan Dev while introducing respondent No. 1 to the audience held him out as prospective candidate for Jhajjar Parliamentary Constituency to oppose the petitioner. The respondent No. 1 in his speech declared that he could defeat the petitioner with the help of the Arya Hindi Satagrahis if they work hard for three years to come.

8. That the respondent No. 1 and his agents, mentioned in Para 5 above continued to hold small and big meetings in the Jhajjar Parliamentary and other Punjab Assembly constituencies of the Hindi area of Punjab and in those meetings they systematically appealed to the electorate to vote for the respondent No. 1 and their other candidate on the ground of their religion and language. They also systematically used the religious symbol namely the "OM DHAWAJ" in all these meetings.

In these meetings, the respondent No. 1 and his agents also made a systematic appeal to the electorate to refrain from voting for the petitioner, who was a sitting member of the House of the People from the Jhajjar Parliamentary Constituency, on the grounds of his being an enemy of the Arya Samaj and Hindi language. One of these meetings was held in village Bahu Akbarpur District Rohtak on 4th February 1958. This meeting was organised and attended by the respondent No. 1 and his agents, supporters mentioned in paragraph 5. In this meeting respondent No. 1 and his supporters exhorted the audience to punish the petitioner along with Ch. Ranbir Singh then M.P. now a Minister of the Punjab State and Ch. Ram Singh IPS then DIG, Ambala Range and got all the three ex-communicated from religious and social Biradri of Haryana on the ground that petitioner along with Ch. Ranbir Singh and Ch. Ram Singh I.P.S. were enemies of Arya Samaj as they opposed Hindi agitation.

Full particulars of the above said village Bahu Akbarpur meeting are given in Schedule "A" attached to this petition.

9. That on 30th April 1961 the persons mentioned in para 5 above organised a political convention in Daya Nand Math Rohtak, for the purpose of announcing openly their intention to participate in the coming general election of 1962. The formation of Haryana Lok Samiti was announced in this convention. The name "Haryana Lok Samiti" was meant to be a camouflage for the faction of the Arya Samaj organisation dominated by the persons named above. The propaganda and appeal disseminated from the platform of the so called Haryana Lok Samiti continued to be in the name of Arya Samaj (A religious organisation) and its flag the "OM DHWAJ". Full particulars of this meeting are given in Schedule "A".

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10. That the respondent No. 1 and his agents inaugurated their regular election campaign in a big way, on the 2nd and 3rd December, 1961, at village Bohar by organising the fourth session of the Haryana Arya Maha Samelan. The leaflet calling this convention is attached herewith as Annexure "B".

11. That in their speeches made in the various sittings of this convention, the respondent No. 1 and his agents made a systematic appeal to the audience to vote for the respondent No. 1 and refrain from voting for the petitioner on the ground of religion and language, promoted feelings of enmity and hatred between the Sikhs and Hindus of Punjab, and also brought undue influence to bear on the electorate by inducing them to believe that any body not voting for the respondent No. 1 and voting for the petitioner will become an object of divine displeasure and spiritual censure. A summary of the speeches made by the respondent No. 1 and his agents is given in Schedule "C" attached to this petition.

12. That the respondent No. 1 and his agents mentioned in para 5 above, held Public Meetings in furtherance of the election prospects of the respondent No. 1 at the following places in the Jhajjar Parliamentary Constituency and in Rohtak Town on dates given against them in Column 2:—

Place of Meeting	Date
1. Beri	10-12-61
2. Barhana	19-12-61
3. Dighal	7-1-62
4. Akheri Madanpur	10-1-62
5. Sampla	12-1-62
6. Ladpur	16-1-62
7. Majra Dubaldhan	19-1-62
8. Pakasma	28-1-62
9. Asaudha	7-2-62
10. Jhajjar	11-2-62
11. Badli	12-2-62
12. Dulhera	15-2-62
13. Sisana	16-2-62
14. Bahadurgarh	18-2-62
15. Rohtak	4-2-62

*Not printed.

In these meetings, the respondent No. 1 and his agents made a systematic appeal to the electorate to vote for the respondent No. 1 and refrain from voting for the petitioner on the ground of his religion and language, promoted feelings of enmity and hatred between the Sikhs and Hindus of Punjab, depicting petitioner as an agent of Sikhs, brought undue influence to bear on the electorate by inducing them to believe that any body not voting for the respondent No. 1 and voting for the petitioner will become an object of divine displeasure and spiritual censure. A summary of the speeches made by the respondent No. 1 and his agents at the various meetings are given in Schedule "D" attached to this petition. That these meetings were arranged by various Ved Parchar Mandals. One of the leaflets indicating this practice is Schedule "D".

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13. That on and from 1st January, 1958, the day on which the respondent No. 1 with the election held on 24th February, 1962, in prospect, held himself out as a prospective candidate the respondent No. 1 and his agents used and made appeals to the religious symbol namely OM DHWAJ (the flag of the Arya Samaj bearing the word OM on it). The full particulars of this corrupt practice are given in Schedule "E" attached to this petition.

14. That respondent No. 1 and his agents realising that their propaganda on religion and language could influence only the peasantry which was under Arya Samaj influence, he and his agents set up on a plan to get non-agriculturist votes spoiled by inducing with the help of bribery three non-agriculturist candidates to contest the election. Non-agriculturist as a whole are a strong base of Congress in Hindi speaking area of Punjab.

(a) On the eve of election Ram Pat respondent No. 2 was paid Rs. 2,000 as bribery by respondent No. 1 in Daya Nand Math Rohtak on 10th December, 1961 and promised three thousand more if he was to spoil near about 20,000 Harijan votes.

(b) Similarly V. N. Kaushik respondent No. 3 was paid by respondent No. 1 Rs. 5,000 in Daya Nand Math Rohtak on 6th December, 1961 and promised two thousand more if he could spoil near about 10,000 votes of the Backward Communities.

(c) The respondent No. 4 Jagan Nath was paid Rs. 5,000 in Daya Nand Math Rohtak by respondent No. 1 on 18th December, 1961, in order to induce him to contest and to spoil refugee votes.

That in this way the respondent No. 1 committed corrupt practice which resulted into a loss of 48027 votes to the petitioner. Votes secured by respondents No. 2, 3 and 4 were Congress votes in Assembly Constituencies of Jhajjar Parliamentary Constituency. The total number of votes secured by Congress in seven Assembly Constituencies is 158316 whereas secured in Parliament is 111005.

Consolidated result of seven Assembly Constituencies comprising Jhajjar Parliamentary Constituency (House of the People) is Schedule "F".

15. That respondent No. 2 Mr. Ram Pat arranged to secure a Republican Party ticket which was founded by Doctor Ambedkar a Harijan leader. He demanded votes from Harijan Chamars appealing them to vote for their own caste man i.e. Ram Pat respondent No. 2. Whatever votes he secured was the result of the corrupt practice of appealing by the candidate to vote for him on the ground of his caste.

16. Respondent No. 3 made pure caste appeal by declaring himself a candidate of Backward Castes. Backward Communities have got some rights by their birth in services and other field of social development. In election matters however, law forbids candidates to appeal to vote for him on the ground of his caste or religion.

17. (a) That Mr. Jagan Nath respondent No. 4 made approaches in the name of his "Punjabi Biradri" i.e. appeal based upon caste considerations.

(b) That he exploited religious feelings of the voters of Jhajjar Parliamentary Constituency in general and for women folk in particular. He declared that Ram Baba a saint of Rewari want to go in Parliament through him. Symbols of "RAM RAM" made of brass and other metals covered his and his followers dress. They sang religious songs with a drummer through streets exhorting people to vote for Ram Baba for establishment of Dharam Raj in India.

18. That respondent No. 1 exploited caste feelings of Dhanak caste by getting an appeal issued by one Attar Singh Dhanak resident of Akheri Madanpur, who was a candidate with the same symbol on Arya Samaj i.e. Haryana Lok Samiti candidate. Similarly respondent No. 1 exploited caste feelings of Balmikis by getting an appeal issued to this caste by one Ram Dhari Balmiki who was contesting Assembly seat from Meham Reserved Constituency. The leaflets are Annexures "C" and "D"*.

19. That in the Jhajjar Parliamentary Constituency there are about 6592 voters, who are members of the Armed Forces of the Union who are entitled to vote by postal ballot within the meaning of Section 60 of the Representation of the People Act, 1951. Under Rule 23 of the Conduct of Elections Rule 1961, postal ballots were to be sent to all these electors. The Returning Officer delayed the despatch of the postal papers to these electors with the effect that out of seven thousand ballot papers sent, only 2277 ballot papers were received back in time which included Civil Service Personnel while thousands were received after the 24th February, 1962 and were not counted. Out of the 1,869 valid ballots received back in time and counted, 989 ballots namely 52.9 per cent were in favour of the petitioner while the 47.1 per cent were in favour of all the remaining eight candidates.

Delay in despatch of postal ballot papers, means non-compliance with the provisions of Section 60 of the Representation of the People Act, 1951, and of Rule 23 of the Conduct of the Election Rules, 1961. The result of the election, in so far as it concerns the respondent No. 1 and the petitioner, has been materially affected by the non-compliance of the provisions of Section 60 and Rule 23 by the Returning Officer of the Jhajjar Parliamentary Constituency.

20. That the election to the House of the People from Jhajjar Parliamentary Constituency is void on the following grounds:—

- (a) Corrupt practices as detailed in the various paragraphs and schedules of this petition have been committed by the respondent No. 1 and by other persons with the consent of the respondent No. 1;
- (b) the result of the election, in so far as it concerns the respondent No. 1 has been materially affected by—
 - (i) Corrupt practices committed in the interest of the respondent No. 1 by the agents of the respondent No. 1, and
 - (ii) corrupt practices committed by respondents No. 2, 3 and 4 in the interest of respondent No. 1,
 - (iii) non-compliance with the provisions of Section 60 of the Representation of the People Act 1951, and Rule 23 of the Conduct of Election Rules, 1961, by the Returning Officer of the Constituency.

21. That two thousand rupees have been deposited in the Government Treasury at Rohtak in favour of the Election Commission as security for the costs of this petition. A Treasury Receipt for the same is attached herewith as Annexure "I"*.

It is, therefore, respectfully prayed that an Election Tribunal be constituted to try this petition, and after a trial the election of the respondent No. 1 to the House of the People from the Jhajjar Parliamentary Constituency, be declared void, and all the respondents be disqualified from standing as a candidate in any future election.

Dated: 6-4-62,

PLACE: Chandigarh.

PRATAP SINGH DAULTA,

Petitioner.

Verification.—I, Pratap Singh Daulta, candidate for the election to the House of the People from the Jhajjar Parliamentary Constituency, do hereby solemnly verify that the statements of fact made in paragraphs 1 to 11 and from 13 to 18 and 21 above are true to my knowledge, the statements of fact made in paragraph 12 are true to my belief based on reports of meetings and speeches made to me by Satbir Singh Rana B.A. son of Ch. Abhe Ram resident of Kundal, the statements of fact made in paragraph 19 are true to my knowledge derived from an examination of the relevant official records, and the submissions of law have been made as advised.

Dated: 6-4-62,

PLACE: Chandigarh.

PRATAP SINGH DAULTA,

Petitioner.

SCHEDULE "A"

Particulars about Bahu Akbarpur Meeting

This meeting was held on 4th February, 1958 in village Bahu Akbarpur District Rohtak. In order to distinguish it from an ordinary political meeting it was advertised as "SARV KHAP PANCHAYAT" which literary means a social gathering of all the "Gots" residing in Hindi speaking area of the Punjab. This was to seek sanction for ex-communicating (i) D.I.G. Ram Singh (ii) petitioner and (iii) Ch. Ranbir Singh then M.P.

Out of many who spoke notable were respondent No. 1, all Arya Samaji leaders mentioned in para 5. Ch. Dharam Singh Rathee then M.L.A., Ch. Nanhu Ram then M.L.A. addressed the meeting. All made highly provocative speech against the petitioner.

The Pandal as usual was covered with "OM Flag" and Arya Samaj religious teachings printed on clothes. All persons who went in jail in Hindi Andolan of 1957 were special invitees.

Relevant portion of the speech delivered by respondent No. 1 is given below:—

Speech was in Hindi. English translation is given below:—

"Arya Sajjano this was the village where Kairon Shahi helped by Daulta, M.P., and Ranbir Singh, M.P., committed heinous crime against villagers. You remember so many persons were beaten, women folk insulted. The excuse was that Hindi Premi were likely to attack Sikh constables escorting some leaders outside the district. If to rescue from police custody was an offence then it was not committed by all villagers. Any way we are to punish Kairon's agents. The mover of the resolution for ex-communicating has explained in detail what Ram Singh (I.P.S.), Daulta and Ranbir Singh were doing in Hindi agitation. Daulta addressed more than two hundred meetings opposing Hindi agitation. It was only the last year that we elected him M.P. from my Constituency. I did not contest on Congress ticket simply because Daulta was my relative. Professor Sher Singh had assured me the Congress ticket but I refused. Now I have been ordered by your leaders to contest him in 1962 but that is far of date. This man along with his friends deserve immediate punishment and I support the resolution to ex-communicate all the three.

The resolution was passed by raising hands and audience were subject to an oath that Ranbir Singh and Daulta will not be allowed to enter into Parliament again. The oath was administered by Pandit Budh Dev who was described by respondent No. 1 as Guru of Haryana people."

Verification.—I, Pratap Singh Daulta, candidate for the election to the House of the People from the Jhajjar Parliamentary Constituency, do hereby solemnly verify that the statements of fact made in all paragraphs in Schedule "A" are true to my knowledge.

Dated: 6-4-62,

PRATAP SINGH DAULTA,

PLACE: Chandigarh.

Petitioner.

SCHEDULE "A"

*Particulars of the Schedule "A"**Formation of Haryana Lok Samiti*

On the eve of election held in 1957 Professor Sher Singh and his associates mentioned in para 5 were Chief supporters of Congress and Sardar Partap Singh Kairon. Reason was that Prof. Sher Singh figured in Punjab Cabinet as Deputy Chief Minister Punjab. Sardar Kairon could not include Prof. Sher Singh in his cabinet after elections. At the time of allotment of the tickets Congress High Command made it clear in writing to Sardar Kairon that Prof. Sher Singh was allowed to contest with the condition that he would not be included in cabinet again and he was not included. In order to impress on Congress High Command that only Prof. Sher Singh can maintain peace in Haryana, Hindi agitation was started by the leaders mentioned in para 5. The pressure sought to be exercised on High Command produced opposite results and Prof. Sher Singh was expelled from Congress Party. Since then respondent No. 1 along with others mentioned in para 5 used Arya Samaj platform for their political purposes and for brightening election prospects of 1962.

On approach of election some camouflage was sought to cover the religious body namely Arya Samaj and was found through a convention held on 30th April, 1961, presided over by Prof. Sher Singh in Daya Nand Math Rohtak.

Mahashe Bharat Singh acted as stage Secretary. Among the speakers were all the leaders mentioned in para 5. At the time of this convention some understanding was arrived with communists also. Three communist workers from Rohtak attended this convention. They were Dharam Singh Sampalwal, Raghubir Singh Jakhar and Shiv Narain Vatts. Pandit Siri Ram Ex. M.L.A. was also one of the invitees, he, however did not arrive at any working arrangements with arrangements with Arya Samajis. As usual "Om Flags" were flying in this convention also attended by all Hindi Satyagrahis who went jail in 1957 Hindi agitation. In this convention Prof. Sher Singh had made it clear that Sh. Ranbir Singh will be opposed by Badlu Ram Ex-M.L.A., the petitioner will be opposed by the respondent No. 1 and Prof. himself will contest from his old Constituency.

Verification.—I, Partap Singh Daulata, candidate for the election to the House of the People from Jhajjar Parliamentary Constituency, do hereby solemnly verify that statements of facts made in all paragraphs in Schedule "A" are true to my knowledge.

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Dated: 6-4-62,
Place: Chandigarh.

PARTAP SINGH DAULATA,
Petitioner.

SCHEDULE "C"

Particulars of the Bohar meeting held on 2nd and 3rd December, 1961.

It was arranged by Ved Parchar Mandal Pakasma Circle. The two days session started with the Yaga Havan a religious ceremony. After mid-day meals conference started with Hindi Samelan. Swami Santosh Anand presided it. The respondent No. 1 and his supporters mentioned in para 5 all addressed the meeting. Acharya Bhagwan Dev narrated history of Hindi agitation, criticised the Government for compulsory Punjabi Education in Haryana. He severely criticised the petitioner and Ch. Ranbir Singh then M.P. In the last he asked audience to vote for Haryana Samiti people who fought Hindi agitation and will fight against Punjabi in future.

Prof. Sher Singh criticised anti-Hindi attitude of Punjab Government, compulsion of teaching of Punjabi and necessity of having Matric standard of Punjabi for Haryana in respect of service recruitment. He appealed the audience to vote for those candidates only who can fight against Punjabi for Hindi. Only the candidates of Haryana Lok Samiti can do so.

Respondent No. 1 made a brief speech said that Hindi is not only question of language but it was part and partial of their Dharma. If you want to protect your Dharma and language you should vote for Haryana Lok Samiti. He told the audience that Haryana Lok Samiti is according to dictates of "Satyarth Parkash" Samulas 6. Therefore, no question of other flag arises. Arya Samaj flag is to be flag of Haryana Lok Samiti. "We are all Sanyasis and Pan-prasthis and only Tyagis can rule India. With this purpose we are going to Legislatures. We want to fly our religious flag not only in Chandigarh Secretariat, not only on Parliament building but whole over the World." In the last respondent No. 1 uttered a couplet which in Hindi reads like this: "Uthae Dhwaaja Om Ki" ham phirenge: "Usi Ke lie ham Jiyenge marengae". Its rendering in English is, "Let us resolve to take Om Flag for twenty four hours with us. We will live for it, we will die for it." Others who made similar speeches besides the persons mentioned in para 5 were Raghubir Singh Siwana and Ram Mehar Pleader Rohtak.

Three resolutions were adopted. According to the first resolution Arya Samaj fought for Hindi, will fight for Hindi therefore people should vote for Arya Samaj Leaders and for nonelse. According to the second resolution Government was urged to abolish Punjabi from Haryana. According to the third resolution the Samelan supported the language policy of the Arya Samelan held in Delhi on 21st May, 1961. After these speeches and resolutions Pandit Budh Dev distributed nearly five thousand Manpatras among those who went to jail in 1957 in Hindi agitation.

On 3rd December, 1961, next day before lunch various religious ceremonies were performed and after lunch political session started. It was presided over by Prof. Sher Singh, respondent No. 1, Prof. Ram Singh, president of Hindu

Maha Sabha, Raghubir Singh Siwana made speeches. The main burden of their speeches was that next election was a "Dharma Yudh", a battle with Sikhs and that Haryana Lok Samiti will fight the agents of the Sikhs petitioner and Ch. Ranbir Singh, M.P. and other Congress men were depicted as agents of Sikhs.

Three resolutions were adopted, one for making a representation to Das Commission another for amendment in Hindu Code Bill and the third was in respect of Haryana people services of Punjab State.

The session ended with Shri Budh Dev's Ashirvad. Shri Budh Dev gave his Ashirvad after administering the oath from the audience for voting for Haryana Lok Samiti.

He warned the people that he was "Brahm" and that any body violating the pledge given to "Brahm" will go.

Verification.—I, Partap Singh Daulata, candidate for the election to the House of the People from the Jhajjar Parliamentary Constituency, do hereby solemnly verify that the statements of fact contained in the various paragraphs of Schedule "C" are true to my knowledge.

Dated: 6-4-62,

Place: Chandigarh.

PARTAP SINGH DAULATA,

Petitioner.

SCHEDULE "D"

Summary of the Particulars of the meeting held on 10-12-61 in village Beri, Jhajjar Assembly Constituency in Jhajjar Parliamentary Constituency.

The meeting was held under president of Shri Siri Chand president of Beri. The meeting was started with Piare Lal Bhajan "PIARA JHANDA OM KA" and after making a brief speech showing respondent No. 1 contribution to Hindi Andolan of 1957. He gave another Song "HARYANA LOOTLIYA DHADI WALON NE" Sh. Badlu Ram Ex. M.L.A. said that Prof. Sher Singh who is candidate from Jhajjar Constituency is a lion of Haryana. He only can liberate Haryana from Sikhs. Sidhanti (Respondent No. 1) and Sher Singh were in Jail when Agitation was going on where were Pt. Bhagwat Dayal and Daulata.

Nanhu Ram M.L.A. narrated his favourite story of the boat which was drowned because one eyed man was in the boat and the boat was compared with Congress. He said that Congressmen were after permits and Kotas. Lok Samiti Walas were fightig for Hindi and for Haryana.

Jagdev Singh Sidhanti (Respondent No. 1) said "Daulata says that I am illiterate. This is the lio. I can read all the Vedas and Shasteras but I am opposed Punjabi's teaching in Haryana. Daulata says in olden days Sanyasis will go in Tapovan but in Kalyug they are running after Officers in Parliament and Assemblies. I am going to Parliament for Dharam, for this Flag. Daulata is Nastik and takes meat. That his anti Hindi you know all over the district. He (Daulata) opposed Hindi Aandolan in 1957 whereas I (respondent No. 1) went to Jail for Hindi". He said, he was going to Parliament for the protection of Brahmins, Cows and ladies.

Acharya Bhagwan Dev: "War is between Dharam and Adharam between Hindi and Punjabi, between Haryana and Sikhastan." Haryana Lok Samiti will fight for Hindi, for Haryana; for Om Flag which will be hoisted at Chandigarh and Delhi. Prof. Sher Singh gave facts and figures showing discrimination with Haryana. He challenged the publication of Poster by Pt. Bhagwat Dayal alleging his signatures on Sachar Formula. He said he would like to go to Assembly to expell Punjabi from Haryana.

In the last Pt. Budh Dev was asked to give Ashirvad to audience. He agreed to give Ashirvad with one condition. The condition was that audience should take a pledge to vote for Haryana Lok Samiti, candidates. President asked audience to raise their hands to assure Pandit Ji that his command will be respected. There upon Pandit Ji gave Ashirvad for the success of Haryana Lok Samati and warned persons stating that in case audience went back to their pledge they will go to Narak (Hell) as they have pledged before representative of the "Brahman".

In this meeting more than seven thousand were given to Prof Sher Singh for his election campaign and the meeting ended.

2. *Summary of the particulars of the meetings held on 19-12-61 in village Bahrana, Bahadurgarh Assembly Constituency in Jhajjar Parliamentary Constituency.*

The meeting was presided over by Lala Bakhtawar Lal. The meeting started with Piare Lal's Bhajan "PIARA JHANDA OM KA" and after making a brief speech showing respondent No. 1 contribution to Hindi Andolan of 1957. He gave another Song "Haryana Loot Liya Dhadi Walon Ne".

Raghubir Singh Counsellor Delhi, said that Sher Singh can rescue Haryana from Sikhs.

The respondent No. 1 Jagdev Singh Sidhanti said that it was his own village and he need not to say much. He further said that petitioner does not believe in god, takes his meals at ASHOKA HOTEL where Cow's flesh is served. He thanked the villagers for giving him money.

Acharya Bhagwan Dev narrated the history of Hindi Agitation in 1957 speaking mostly on the contribution of respondent No. 1 for the success of that agitation and that of Petitioner's opposition to that Andolan. He asked persons to vote for Sidhanti (Respondent No. 1) who will fight for Hindi.

Prof. Sher Singh gave facts and figures about services, criticised Govt. for compulsory education Gurmukhi in Haryana. He assured removal of compulsion if Haryana Lok Samiti wins in the Election.

3. *Summary of the particulars of the meeting held on 7-1-1962 in Dighal, Bahadurgarh Assembly Constituency in Jhajjar Parliamentary Constituency.*

Piare Lal started meeting with his favourite song:—"OM KA PIARA JHANDA" and after making a short speech about the greatness of Om Flag he said Hardwari Lal (Congress candidate Assembly) and the petitioner (Partap Singh Daulata) both are Sikh agents and are bad character persons because they drink and eat meat.

Shri Raghubir Singh Siwana, Sh. Kanwal Singh made speeches but nothing objectionable.

Acharya Bhagwan Dev narrated the history of Hindi Andolan. Sh. Jagdev Singh contribution in that Struggle and Petitioners opposition to Hindi Andolan and asked audience to vote for Capt. Kanwal Singh in Assembly Constituency and Shri Jagdev Singh in Parliamentary Constituency. Shri Sher Singh gave facts and figures showing discrimination to Haryana and criticising Govt. for the compulsory teaching of Gurmukhi in Haryana. Some money was given to Sh. Jagdev Singh Sidhanti (respondent No. 1) and the meeting ended.

4. *Summary of the particulars of the meeting held on 10-1-1962 at Akheri Madan Pur in Salawas Constituency.*

The meeting was started with Piare Lal's Bhajan in praise of "Om Flag JHANDA PIARA OM KA" and said that this flag should be hoisted all over the world. He said that Prof. Sher Singh Acharya Bhagwan Dev and Jagdev Singh (Respondent No. 1) always worked under this Flag. This flag was in their hands when they fought in Hyderabad when they fought for the protection of Hindi in 1957 and this the Flag which is in our hand when we are going to battle for Haryana liberation through ballot papers and then he gave his favourite song "HARYANA LOOT LIYA DHADI WALON NE".

He was followed by Raghubir Singh Sewag so called Counsellor of Delhi. He criticised congress on its failure of economic fields and accused Punjab Govt. for discrimination with Haryana Acharya Bhagwan Dev said congress has allotted its tickets from your assembly constituency, Chand Ram Chamar has given ticket. Every where Chamars got congress tickets, Dhanaks and Balmikies were given to tickets by Congress. This was great injustice Arya Samaj always come to help the under dog. We have picked on Attar Dhanak of your village as our candidate. All Jats should vote for this boy. In Parliament sitting M.P. who belongs to village Chimni is enemy of Hindi you know that Shri Jagdev Singh (respondent No. 1) is making preparation for fighting election since Hindi Agitation days. This is our sure seat. You have to take care of Attar Singh.

Jagdev Singh Sidhanti (respondent No. 1) I have always worked under Om Flag as Mahashe Piare Lal told you. I worked for some time in Jullundur Division for Arya Samaj. I saw where that Sikhs want to rule entire Punjab. This is a pity that this country belongs to Hindus and Aryas but others want to rule

us. When there is no Sikh population in Haryana why Punjabi is taught here. I am contesting Daulata who is Nastik; takes cow flesh, who opposed Hindi Andolan and wants Gurmukhi to continue in Haryana Schools. He is a trusted lieutenant of Sardar Partap Singh Kairon. Daulata and his leader Nehru both are anti Arya Samaj and anti God. I think that Om Flag is a great spiritual power so, we hold it. He asked audience to vote for Assembly constituency and for Parliament to Attar Singh and himself respectively.

Ch. Nanhu Ram then M.L.A. told the audience that the present congress was not of Gandhi and was under bad influence. He asked Dhanaks and Balmikies to be up and fight Chamars for their liberation.

Sh. Sher Singh M.L.A. gave facts and figures to show that Haryana was being ignored by Sikh Chief Minister. He criticised Govt. for teaching Gurmukhi in Haryana. Some money was paid to Attar Singh.

5. *Summary of the Particulars of the meeting held in SAMPLA on 12-1-1962, Sampla Assembly Constituency in Jhajjar Parliamentary Constituency.*

The meeting was started by Piare Lal's Bhajan "JHANDA PIARA OM KA" and after Bhajan said; "there are two camps in election battle arrad against each other. One is headed by Sardar of Kairon and another headed by Dharam Putar Prof. Sher Singh. This is battle of Maha Bharat. Partap Singh Kairon and Partap Singh Daulata are on the side of "Adharm". Sidhanti (Jagdev Singh) and Ch. Ram Sarup are on the side of Dharam. Siri Ram Sharma is also a stoog of Pratap Singh Kairon. After Piare Lal Sh. Vishva Mittar gave a song "Utho Jago Hyya Sebera" and asked the audience to vote for sidhanti (Jagdev Singh respondent No. 1). He said Partap Kana (blind of one eye) is traitor of Hindi and Arya Smaj. He will sell out Haryana to sikhs."

Master Nanhu Ram said that congress was spending lacs to get Sher Singh defeated in Jhajjar constituency. He said "Here in *Parliament* contest is between Sidhanti (Jagdev Singh respondent No. 1) and Daulata. Sidhanti (Jagdev Singh) knows all the four "Vedas" where as Partap Kana is a "Nastik" till yesterday he was communist. Now he has turned himself into a Congressman. The boat which has among its passengers any and any one eyed man is served to be drowned. After him Ram Pat Banprasti gave a song "AYE DESH DAROI GANDHI TOPI DHAR KE" he was followed Acharya Bhagwan Dev. Said it was not congress who made Hindi National Language, credit goes to Arya Samaj under whose pressure congress accepted Hindi as national language. Who says that Parents of Sumer Singh who died in Hindi Andolan were given of compensation of Rs. 10,000 it was only 3,000. One congressman has written a booklet and has objected to the display of Om Flag in our meeting and on our Motors. This is our right to do so we live for this Flag and weare prepared to die for this. In this booklet it is written that a telegram has been given to Election Commissioner on using of our Om Flag as party Flag by Haryana Lok Samiti—Election Commissioner cannot stop it.

Similarly Pt. Siri Ram Sharma who is a candidate from Sampla Constituency has written in his news papers "Haryana Tilak" Arya Samaj was doing great harm to Haryana by briving religion and "Om Flag" in election. We want to convert the entire the country in onc religion. One kind of living, one kind of food and dress.

Partap Singh Kairon described Sher Singh a girlish Politician of Haryana. Let him know that our girls are very brave we will tear out every hair from Kairon's beard. Haryana has produced so brave persons who conquered "Mughals". One of our man murdered Governor of Aurengzeb. We will finish Sikhs from Punjab. If you vote for Lok Samiti you can liberate Haryana from Sikhs.

Ch. Ram Sarup said Maru Singh was against Congress now he is in Congress whereas I am constant in politics. He was followed by Ram Dhari created hetred against Chamar Community saying that Chamars have deprived Balmikies and Dhanaks of their rights. He said that Congress Raj was chamar Raj. Dhanak and Churas should vote against Congress. The respondent No. 1 Jag Dev Singh Sidhanti congratulated the villagers of Naya Bans where Saheed Samer Singh was born, who sacrificed his life for the cause of Hindi in Hindi Agitation. Now again there is battle between Dharam and Adharam. Hindi is national language why people of Haryana should read Gurmukhi. Haryana Lok Samiti will liberate Hindi from Punjabi and Haryana from Sikhas. Those who say that Arya Samaj should remain out politics want Adharam Raj in India by keeping away Dharam

from Politics. Haryana Lok Samiti has been formed in accordance with the dictates of Satyarth Prakash chapter Six. "He, who says that Ram Sarup is not an Arya Samaji tells half truth. He supported Arya Samaj in Hindi Andolan so he deserves your votes."

Daulata says that I am illiterate. I am graduate from the Punjab University. Daulata is Nastik. He is communist at heart. I am going to Parliament for protection of Cows, Brahmans and ladies. Daulata is going simply to build another Bungalow in Delhi." Capt. Kanwal Singh candidate on Haryana Lok Samiti ticket from Bahadurgarh Constituency told the audience that for the protection of Haryana, Congress must be defeated on polls.

Raghubir Singh who posed himself as counsellor of Delhi (in fact he was not) criticised congress on its economic and political failures.

Ch. Sher Singh was the last to speak gave figures to prove that Haryana is not getting its proper share in services. He said that Haryana should be saved from Punjabi Language and its way is to vote for Haryana Lok Samiti. He denied to have signed Sachar Formula which was responsible for teaching Gurmukhi in Haryana.

6. Summary of the particulars of the meeting held in Ladpur on 16-1-1962 from Jhajjar Assembly Constituency of Jhajjar Parliamentary constituency.

The meeting started with Piare Lal Bhajan "PIARA JHANDA OM KA" and after making a brief speech showing the contribution of Arya Samaj is to Hindi Andolan in 1957. He gave another song A "HARIYANA LOOT LIYA DHADI WALON NE" Pt. Ram Singh of Beri said "Daulata is communist at heart. He only wants to grind his own axe. He is selfish and traitor. Do not vote for him."

Raghubir Singh counsellor Delhi said that Sher Singh and Sidhanti (Jagdev Singh respondent No. 1) only fight for Haryana. So, vote for Haryana Lok Samiti candidate.

Jagdev Singh Sidhanti (Respondent No. 1) said, "I stayed at Jullundur. There I saw administration work and compared with that of Haryana division. Here in Haryana Govt. is doing nothing for the betterment of the people. I always served Arya Samaj and Om Flag. I fought for Hindi against Gurmukhi and went in Jail. Daulata is Nastik (Does not believe in God) does not believe in Om and eats meat. He also says me illiterate but I am graduate of Punjab University. I am going to Parliament to serve Brahmans, Cow and Kahya (Virgin Girl)."

Acharya Bhawan Dev said, "Battle of Dharam and Adharm has started. Gurmukhi forcibly introduced in Haryana. You fought for Hindi language. Daulata and other congress walas opposed Hindi Agitation. Defeat Congress and vote for Haryana Lok Samiti candidates. Prof. Sher Singh gave facts and figures to show that there is discrimination in services in Haryana. Congress allotted tickets to all Chamar candidates while ignoring Dhanaks and Balmikies. He also told audience that he never signed on Sachar Formula."

Sh. Dharam Pal also made speech and Chander Singh gave a song. After meeting ended.

7. Summary of the particulars of the meeting held in village Majra (Dubaldhan), Jhajjar Assembly Constituency in Jhajjar Parliamentary Constituency.

The meeting was presided over by Lal Ram Niwas resident of village Majra.

The meeting was started with Piare Lal's Bhajan "JHANDA PIARA OM KA". After this Bhajan he said that this was the battle of Dharam and Adharam. On one side there were Arya Samaj and Om Flag whereas on the other there were Kairon's beard and his congress walas agents. The Sikhs had totally looted the Haryana. After this speech he gave a second song—"Haryana Loot Ke Kha Liya Dhadi Walon Ne" Attar Singh Dhanak a candidate of Haryana Lok Samiti from Sahawas Constituency said audience that Congress allotted tickets to Chamars in all reserve constituency in Haryana. "So, it is the party of Chamars and there is a Chamar Raj." Congress discriminately ignored all other castes of Harijans i.e. Dhanaks and Balmikis. He further told the Dhanak community to vote for Prof. Sher Singh and Sidhanti (Jagdev Singh respondent No. 1) as his and their party was one and the same i.e. Haryana Lok Samiti. They i.e. Jagdev Singh respondent No. 1 and Prof. Sher Singh were helping him whole heartedly. If Dhanaks of my caste want to seem successful they should help and vote for the

candidates of Haryana Lok Samiti as they have Om Flags for which this Dharam Yug is being fought to keep the Flag high and up."

Ram Dhari Balmiki said, "I am a candidate from Meham constituency. Sometimes ago I was in Congress Party but importance is given to Chamars only in this party. All other Harijans are ignored. "He further said that he would persuade his caste fellows i.e. Balmikies to help and caste their votes in favour of the candidates of Haryana Lok Samiti as he, also was candidate for Haryana Lok Samiti.

Nanhu Ram M.L.A. said, "I was congress President but I resigned congress on the ground that all the corruption of Zamindar leaguers entered this party. Those person who criticised and condemned the congress now the same person have their hold on congress. The boat of Congress will sink as there is one eyed man among the passengers in the boat. The Sikhs are looting the Haryana. The money is taken through taxes from the people of Haryana and is spent in Punjabi region. If you want yoke of Sikhs then vote for Congress otherwise vote for the candidates of Haryana Lok Samati whose beloved Flag is Om Flag."

Jagdev Singh Sidhanti (respondent No. 1) I always served Om Flag. I lived for time in Jullundur. The whole of the capital got from Haryana is being spent in Jullundur division. I fought battle against meat eater in Military. Partap Singh Daulata takes meat. In the rule of Congress the Cows are slaughtered. Hindi language is in danger and the Punjabi (Gurmukhi) has made compulsory in Haryana. Daulata is supporter of Gurmukhi and enemy of Hindi as he (Daulata) opposed Hindi Agitation in 1957. I am going to Parliament for protection of Brahmins, cows and Kanyas (Virgin Girls). Daulata says me illiterate. I am graduate from Punjab University. In order to serve Haryana I adopted Prof. Sher Singh as my leader.

Prof. Sher Singh, M.L.A. gave facts and figures to show that Haryana is not getting its proper share in services. Surely Partap Singh Kairon would be thrown away from the Chief Ministership. He further said, "Give defeat to congress so that due share of Haryana can be achieved. Those, who want the right for Haryana, want to support Haryana Lok Samiti, want progress of Hindi and want to abolish Gurmukhi from Haryana raise their hands and given pledge to vote for Haryana Lok Samiti whole heartedly and will maintain the respect of Om Flag". Some money was given to Prof. Sher Singh for his election Campaign.

In the last Pt. Budh Dev was asked to give his Ashirvad to audience. He agreed to give ashirvad with one condition. The condition was that audience should take a pledge to vote for Haryana Lok Samiti candidates. President asked audience to raise their hands to assure Pandit Ji that this command will be respected. Thereupon Pandit Ji gave ashirvad for the success of Haryana Lok Samiti and warned persons stating that in case audience went back to their pledge they will go to Narak (Hell) as they have pledged before representative of Brahmin. After this meeting ended.

8. Summary of the Particulars of the Meeting held on 18-2-1962, in village Pakashma, Simla Assembly Constituency in Jhajjar Parliamentary Constituency.

The meeting was held under the Presidentship of Pt. Tale Ram. This meeting of Haryana Lok Samiti was convened by Ved Parchar Mandal Pakashma Ch. Ram Bhaj Hooda Advocate nephew of Ch. Ram Sarup candidate for Assembly Constituency on Haryana Lok Samiti Ticket acted as stage Secretary.

(1) Sh. Piare Lal Bhajnik started with his usual Bhajan inpraise of "OM FLAG", after this Bhajan he pointed out towards a big Om Flag fixed near the stage." People of Haryana see towards this flag. This is Dharam Flag. There is a battle between Sikhs of Punjabi region and Hindus of Haryana. All rights of Haryana people are with the Sikhs. If you vote for this flag, it promises to bring your rights." Then he gave another song. The first line of this Song was "HARYANA LOOT LIYA DHADI WALON NE".

This was highly provocative and created bitter feelings against Sikhs. He further said that Sher Singh, Sidhanti (Jagdev Singh respondent No. 1) and other candidates of Haryana Lok Samiti can liberate Haryana from Sikhs.

Master Nanhu Ram then M.L.A. said that old Congress is dead and those Jamin-dar leaguers have joined Congress who used to beat Congress Walas. He asked audience to vote for Haryana Lok Samiti.

Acharya Bhagwan Dev said, It was Sampla Constituency which gave largest recruitment in Hindi Andolan in 1957. In this Dharam Yudh you are supposed to give largest votes to Haryana Lok Samiti.

Sh. Jagdev Singh Sidhanti went in Jail for Hindi Bhasha whereas Daulata opposed Hindi Andolan. "I am accused for giving Ram Sarup ticket of Haryana Lok Samiti on the ground that Ch. Ram Sarup is not an Arya Samaji. I did no wrong in this matter Ch. Maru Singh is an Arya Samajist who opposed Hindi Andolan like Daulata, so man like Daulata and Maru Singh cannot be called Arya Samajists as they opposed Hindi Andolan in 1957. Ram Sarup supported it that is why we have given him "Om Flag" for contesting Election. Recognition of an Arya Samaji is that he, who holds Om Flag is Arya Samaji and he deserves your votes.

Ch. Ram Sarup said that he was M.L.A. from this Constituency long ago and that he served people with Zeal. "Some body has written a booklet depicting me of an enemy of Arya Samaj. I was with Arya Samaj in Hindi Andolan in 1957, that is why I got Haryana Lok Samiti ticket. Do not read such booklets I deserves your votes because I am friendly with Arya Samaj and I am Hindi Premi".

Jagdev Singh respondent No. 1 "I am apposing Pratap Singh Daulata sitting M.P. At heart he is communist. He does not believe in God, he is nastik. He takes cow's flesh when does not get other meat plate in Hotels. I am guardian of this "Om Flag", under this Flag I fought battle against meat eaters in Army. I am going to Parilament for the protection of Kanya (Virgin Girls) Brahmin and Cows. Congress Walas say that Sidhanti knows only how to do a "Hawan". Yes, I will see there that Parliament will start with Yoga Hawan and side by side the National Flag, this flag of Dharam be displayed at Parliament building, Cheers. If you have any love for Hindi then vote for me and for Ch. Ram Sarup. If you love Sikhs and Partap Singh Kairon then vote for their agents Partap Singh Daulata and Maru Singh".

"Professor Sher Singh gave facts and figures of various departments in order to prove that Punjabi region gets lions' share. He explained to the audience how Hindi Andolan was started and how Daulata and Maru Singh opposed it. He warned the audience that if Hindi Andolan and this election andolan were not properly understood by them then Punjabi will remain predominant language in Punjab by Pt. Nehru".

Pt. Budh Dev Vidya Alankar, stage secretary introduced Pt. Budh Dev as Dada of Haryana and said that he will give his Ashirwad. "Pt Budh Dev asked audience to raise their hands towards sun and to give "Vachan" (pledged) that they will vote for sun. Sun was symbol for the various candidates of Haryana Lok Samiti".

After this Vachan ceremony Pt. Budh Dev warned the audience that if they would go back from their vachan they will go to "Narak" (Hell) If they keep to their words then it will be the victory of Om flag.

After the Ashirwad and oath administering ceremony by Pt. Budh Dev meeting ended with songs.

9. *Summary of the particulars of the meeting held on 7th February, 1962, in village Asudha, Jhajjar Assembly Constituency in Jhajjar Parliamentary Constituency.*

The meeting was started with Piare Lal's Bhajan "JHANDA PIARA OM KA" He said that the respect of Om Flag was in their hands and gave a second song:—

"HARAYANA LOOT KE KHA LIYA DHADI WALON NE".

Nanhu Ram M.L.A. said audience "Ch. Kanwal Singh is a Haryana Lok Samiti candidate from your constituency and his opponent is a person who for his whole served the Government service. He (Congress candidate) never selected the youths of Haryana for posts in Punjab while he was the member of Public Service Commission. He never follows politics. All bad men have entered the congress party and the old good persons have left congress. "Kanwal Singh candidate of Haryana Lok Samiti said that he had contested election last time from this constituency. I served and will serve this locality. "If you give me Chance this time I will fight for the rights of Haryana".

Acharya Bhagwan Dev said, "the residents of this village participated to a great extent in Hindi Andolan" One person also was given a all of the people of

this locality are Arya Samajis. You should face the congress bravely. In Congress vote the cows are slaughtered. In this Government no attention or regard is paid to Haryana. Daulata and Ranbir Singh bother opposed Hindi Agitation that is why Congress allotted them in tickets.

Jagdev Singh Sidhanti (Respondent No. 1) said, "I served and worked for Arya Samaj and also worked under the guide of Om Flag. I fought for Hindi language. Daulata who is my opponent is enemy of Hindi and supporter of Gurmukhi. He (Petitioner) is an agent of Sikhs. He says me illiterate. I am graduate of Punjab University. I fought against meat-eaters in Army. I am going to the Parliament for the protection of Kanya (Virgin Girl), cows and Brahmins.

Sher Singh, M.L.A. said "some people say that I signed on Sachar Formula, it is quite lie. Our battle is for the rights of Haryana. 45 per cent services should be given to Haryana people while on 5 per cent. services is given. Kairon not at all wants to give rights to Haryana. In services compulsory metric standard Gurmukhi has been introduced in Haryana. This compulsion of Gurmukhi should be abolished. Make Haryana Lok Samiti successful so that we may get rights of Haryana and compulsion of Gurmukhi be abolished.

Besides these Haryana Lok Samiti candidates two communists Sh. Bhim Singh and Mange Ram Vats also delivered speeches.

10. *Summary of the particulars of the meeting held on 11th February, 1962 in Jhajjar Town, Jhajjar Constituency in Jhajjar Parliamentary Constituency.*

This meeting was presided over by Lala Paras Ram resident of Jhajjar. The meeting started with Piare Lal's Bhajan "JHANDA PIARA OM KA" After this song he said, "It is battle of between Dharam and Adharam, between Beard-walas and Arya Samajis. Chimniwalas (Petitioner) is a supporters of Beard-walas and Sher Singh and Sidhanti (Respondent No. 1) fight for Haryana. Chimniwala (petitioner) also opposed Hindi Agitation in 1957.

Attar Singh Dhanak said, "In congress rule only chamars are considered Harijans that is why I am contesting election. Prof. Sher Singh and other candidates of Haryana Lok Samiti are on my back. If Dhanaks of my caste want to see me successful then they vote for Prof. Sher Singh and for other candidates of Haryana Lok Samiti". Ram Dhari Balmiki said, "All Balmikes must help Prof. Sher Singh and other Haryana Lok Samiti candidates. I adopted my leader Prof. Sher Singh on the ground to fight for Haryana. So, elect Haryana Lok Samiti candidates".

Ram Dhari Gaur said, "I am Haryana Lok Samiti candidate from Gohana Constituency. Some persons propagate among Brahmins that Pt. Bhagwat Dayal is Brahmin but I am also Pandit so all of my caste brothers should vote for Haryana Lok Samiti candidates so that a battle for the rights of Haryana can be fought.

Budh Ram, M.L.A. said, "Prof. Sher Singh always fought for Haryana. We fought for Hindi Agitation. In Haryana Gurmukhi is compulsory. Partap Singh Kairon called Sher Singh the girl of Haryana. You people should show Kairon whether Sher Singh is a brave man of Haryana or a girl".

Mahasha Bhart Singh a candidate of Haryana Lok Samiti from Rohtak constituency said, "I will appeal to Sainis and others to vote for Arya Samajis. By doing so we can raise Haryana and Hindi language high and up.

Kanwal Singh said, "Congressman due to party discipline cannot raise voice for Haryana. Help Haryana Lok Samiti candidates only Haryana Lok Samiti can fight for Haryana Tickets have allotted such persons who were not in Congress by last years".

Nanhu Ram, M.L.A. said, "only Nehru is good man in congress party. Many other are thieves. Partap Singh Daulata used to abuse congress and now he is in congress. Pt. Bhagawat Dayal is outsider not of this locality. He (Pt. Bhagwat Dayal) knows nothing about this area".

Acharya Bhagwan Dev said "We fought Hyderabad Andolan under the guide of Om Flag and also fought Hindi Agitation. Now this election is a battle for the rights of Haryana. Elect Haryana Lok Samiti candidates otherwise there will be Sikha shahi in Haryana. These refugees are worse than Muslims.

One and a half million thieves (refugees) have been settled in Haryana. What good for Haryana a traitor can do like Partap Singh Kairon. For the prosperity of Hindi language and Haryana you should vote for the candidates of Haryana Lok Samiti".

Jagdev Singh Sidhanti (respondent No. 1) said, "seeing discrimination in Haryana I became ready to contest election and Prof. Sher Singh adopted my leader. Partap Singh Daulta eats meat and is enemy of Hindi whereas I am contesting election for the progress of Hindi language. Partap Singh Daulta says me illiterate. I am graduate of Punjab University and know six languages. I am going to Parliament for the protection of Brahmin, cow and Kanya (Virgin girl) Prof. Sher Singh said, "Partap Singh Kairon confer all rights to sikhs not to Haryana only 5 per cent. rights are given to Haryana. A poster, printed by some one congresswala, bearing my signature on Sachar Formula is quite wrong. He appealed audience to vote for the candidates of Haryana Lok Samiti".

In the last Pt. Budh Dev was asked to give Ashirvad as "Dada" (greatest Pandit) of Haryana. He said he will give Ashirvad only if audience gave him "Vachan" to vote for Haryana Lok Samiti candidates. People were asked to raise their hands towards sun and to remember sun on the day of polling. This is significant that Haryana Lok Samiti has chosen sun as symbol for their candidates. He warned, "those who go back from the pledge given to the highest Brahman of Haryana will go to Narak (Hell)".

11. *Summary of the particulars of the meeting held on 12th February, 1962, in village Badli, Jhajjar Assembly Constituency in Jhajjar Parliamentary Constituency.*

The meeting was started with Piare Lal's Bhajan "JHANDA PIARA OM KA" He further said, "It is a battle between Dharam and Adharam. It is the question of respect of Arya Samaj and of Om Flag. You have to tell in election whether you want rights of Haryana or want to be the slaves of the Sikhs and also gave a second song:—

"HARYANA LOOT KE KHA LIYA DHADI WALON NE" Nanhu Ram M.L.A. said, "The taxes realised from Haryana are spend for the prosperity of JUL-LUNDUR division. Congress party almost has ended only it is alive for nothing. The bad character men are controlling the congress. The Zamindar leaguers have over come Congress. Those who sacrificed for Congress have no importance these days. You should vote for the candidates of Haryana Lok Samiti for the rights of Haryana. Attar Singh Dhanak appealed his caste people to vote for Prof. Sher Singh and for other candidates of Haryana Lok Samiti.

Jagdev Singh Sidhanti (Respondent No. 1) said, "I always served Arya Samaj. Seeing discrimination and injustice with Haryana I adopted Prof. Sher Singh as my leader and on the insisting of people I am contesting election. Partap Singh Daulta who is my opponent is an enemy of Hindi, eats meat and is agent of Kairon and of the Sikhs. He (petitioner) says me illiterate. I am graduate of Punjab University known six languages.

Prof. Sher Singh said, "injustice with Haryana is going on. In spite of 45 per cent rights only 5 per cent rights are given to Haryana. The money realised from Haryana is spent in Jullundur division. Besides chamars not a single ticket given to other Harijans by Congress. Whether Balmikis or Dhanaks are Harijans or not. "He further appealed audience to vote in favour of the candidates of Haryana Lok Samiti for protection of Hindi language, for Om Flag and for the rights of Haryana.

In the last Pt. Budh Dev was asked to give Ashirvad to audience. He agreed to give Ashirvad with one condition. The condition was that audience should take a pledge to vote for Haryana Lok Samiti candidates. The audience was asked to raise their hands to assure Pandit Ji that his command will be respected. Thereupon Pandit Ji gave ashirvad for the success of Haryana Lok Samiti and warned persons stating that in case audience went back to their pledge, they will go to Narak (Hell) as they have pledged before representative of the "Brahman."

After this the meeting was over.

12. *Summary of the particulars of the meeting held on 15th February 1962 in Dulhera, Bahadurgarh Assembly Constituency in Jhajjar Parliament Constituency.*

The meeting was started with Piare Lal's Bhajan "Jhanda PIARA OM KA" and said, "on 24th Feb. 1962 all of you have to decide whether you want keep Haryana under the rule of Beard Walas (The Sikh) or want rule of the people residing in Haryana. If you want to maintain respect of Om Flag or not. Levying taxes in Haryana the realised money is spent in the area of the Sikhs" After this he gave second song "HARYANA LOOT LIYA DHADI WALON NE".

Nanhu Ram M.L.A. said, "congress has become corrupt now. The old persons have resigned congress. Now there is a hold on congress of such persons who were anti congress. Siri Chand and Daulata (Petitioner) used to abuse congress and congress is their monopoly. All Haryana rights are given to Punjabi region. He appealed audience to vote for Kanwal Singh a candidate of Haryana Lok Samiti Jagdev Singh (respondent No. 1) and Haryana Lok Samiti can only bring rights to Haryana.

Kanwal Singh said, "I contested election as an opposition candidate last time in 1957. In the period of last five years no constructive work has been done in this locality. If you vote for congress no work will be done for you. I will fight for the rights of Haryana with Prof Sher Singh. In all reserve constituencies tickets have been allotted to the chamars only other castes i.e. Balmikis and Dhanaks have been ignored totally whereas Haryana Lok Samiti allotted tickets to Attar Singh Dhanak from Salhawas constituency and Ram Dhari Balmiki from Mehma constituency.

Jagdev Singh Sidhanti (respondent No. 1) said, "I remained in Jullundur for some time, all sorts of facilities and rights are prior to Punjabi region in comparison with Hindi region. My opponent is Pratap Singh (Petitioner) on congress ticket. He takes meat and opposed Hindi Agitation in 1957. In congress rule the Cows are slaughtered. In Ashoka Hotel beef is served there. Nehru also takes meals there. Partap Singh (Petitioner) takes meals there. He (petitioner) says me illiterate I am graduate of Sanskrit and know six languages.

Prof. Sher Singh M.L.A. said "Om Battle is for the right of Haryana. We say that 45 per cent rights should be given to Haryana in accordance with its population but only 5 per cent rights are given. Secondary is a compulsion of Punjabi in Haryana. He fought agitation for Hindi language and will fight if needed. He further appealed audience to vote for the candidates of Haryana. Lok Samiti and said those who are ready to vote in favour of Lok Samiti raise their hands. People raised their hands up. Prof. Sher Singh thanked the audience and meeting ended.

13. *Summary of the Particulars of the meeting held on 16th February 1962 in village Sisana, Sampla Assembly Constituency in Jhajjar Parliamentary Constituency.*

The meeting started with Piare Lal's Bhajan "JHANDA PIARA OM KA SADA RAHEGA UNCHA", after the song he said "this election is Kabaddi played by two teams one is Dharam Pala and the other is Adharam Pala. Kairon is Korwa of Maha Bhart and Lok Samiti candidates are Pandwas headed by Dharam Putar Sher Singh. Kairon's friends Daulata and Maru Singh are Daryodhan and Shukni." Then he gave another song "HARYANA LOOT LIYA DHADI WALON NE".

Ram Bhaj Hooda who acted as stage Secretary said "the candidates of Haryana Lok Samiti will fight for Haryana rights".

Ram Dhari Balmiki who was candidate from Mehama Constituency on Haryana Lok Samiti ticket said, "so far as Harijans are concerned congress Raj is Chamar Raj. Balmikies and Dhanaks should revolt against it." He further told that Haryana Lok Samiti was friend of Dhanak and Balmiki castes. Haryana Lok Samiti gave ticket of Arya Samaj to a Balmiki in Mehama constituency and a Dhanak in Salhawas constituency. According to him it was the interests of these two castes to vote for Arya Samaj candidates otherwise Balmiki candidate from Mehama and Dhanak candidate from Salhawas will lose their elections.

Jagdev Singh respondent No. 1 "Daulata says that I am illiterate. I know Dharam, education, he knows English. He cannot read a word from Shastras He is agent of Sikhs. He is Lieutenant of Partap Singh Kairon who is a fanatic Sikh. If you want to liberate Haryana from Sikhs, vote for me."

Ch. Badlu Ram assured the audience, "that Prof. Sher Singh will be the next Chief Minister of Punjab and will remove compulsion of Punjabi from Haryana."

Sh. Ram Mehar Hooda stated that Police was of two kinds, one has red turban as its headgear and other C.I.D. which has no turban. "Maru Singh is Congress man with a congress turban whereas Siri Ram is a hidden Congressman. He said beware of Siri Ram also."

Ch. Ram Sarup:—"It is village of Dahiya and I was responsible for pushing Ch. Tika Ram to Ministership who was Dahiya. All others were in favour of Ch. Suraj Mal of Hissar. I deserve votes of Dahiya Gotar. I will serve you again as before. Pt. Budh Dev Vidya Alankar:—Stage Secretary introduced Pt. Budh Dev as Dada of Haryana and told that he will give his Ashirvad.

Pt. Budh Dev asked audience "to raise their hands towards Sun and to give Vachan that they will vote for sun. Sun was symbol for the various candidates of Haryana Lok Samiti."

After this Vachan ceremony Pt. Budh Dev warned that if they would go back from their words they will go to Hell. If they keep their words then it will be the victory of our "Om Flag".

After the Ashirvad and oath administering ceremony by Pt. Budh Dev meeting ended with songs sung by Piare Lal Bhajnik.

14. *Summary of the particulars of the meeting held on 18th February 1962 in Bahadurgarh, Bahadurgarh Assembly Constituency in Jhajjar Parliamentary Constituency.*

The meeting was started with Piare Lal's Bhajan "Jhanda Piara Om Ka": He said, "it is battle between Dharam and Adharam. Sher Singh is the leader of Haryana and Lok Samiti walas fight for Haryana. Vote for the candidates of the Haryana Lok Samiti otherwise Haryana will go under the voke of Sikhs. After this he gave a second song. "HARYANA LOOT LIYA DHADHI WALON NE".

Nanhu Ram M.L.A. said, "no share is being given to Haryana. Kairon wants to ruin Haryana. So that the people of Haryana have no voice. In Congress there are slaves of Kairon. The boat of the Congress will sink because one eyed man is that and the same person is now a Congress man who some times ago used to criticise the Congress Party.

Attar Singh Dhanak appealed his caste fellows to vote in favour of Kanwal Singh and Sidhanti (respondent No. 1) Ram Dhari Balmiki. He made appeal to the Balmikis to elect the candidates of the Haryana Lok Samiti as the congress is only the party of Chamars. Badlu Ram Ex. M.L.A. said the audience only Prof. Sher Singh is the leader of Haryana. Under his guidance all of we are fighting for Haryana. Kanwal Singh fought against the English and now will fight against the Sikhs. He further appealed the audience to vote for Kanwal Singh and Sidhanti (respondent No. 1).

Kanwal Singh candidate of Haryana Lok Samiti said, "I contested last election and you people voted for me but I could not succeed. Within the period of five years no constructive work has been done in this constituency. The realised money from Haryana is being spent in Punjabi region. We fight against this.

Jagdev Singh Sidhanti (respondent No. 1) said, "I remained in Jullundur for some time and saw constructive work done by the Government but here in Haryana it is equal to Zero. Gurmukhi forcibly has been introduced in Haryana. We fought agitation for the protection of Hindi language. Partap Singh Daulata (Petitioner) and other congress man opposes this agitation. In Congress rule the cow are slaughtered. Daulata says me illiterate but I am a graduate of Punjab University and know six languages. I am going to Parliament to fight a battle for Haryana."

Acharya Bhagwan Dev said, "some persons say that we use Om Flag. I tell them they also can use this Om Flag if they want it. One day this Om Flag will fly over the whole of the world. Arya Samaj fought Hindi Agitation. Gurmukhi should not teach in Haryana. Now it is battle for the right of Haryana. The people residing in Haryana are ready to sacrifice every thing for the protection of Hindi Haryana. In order to get the rights for Haryana and for the progress of Hindi Language. You should vote for candidates of the Haryana Lok Samiti. Partap Singh Daulata opposed the Hindi Agitation. He is an ill hearted man and is an agent of Kairon and the Sikhs.

Prof. Sher Singh M.L.A. said, "In spite of 45 per cent rights only 5 per cent rights have been given to Haryana. We will fight for this. He further told, "I never signed on Sachar Formula. There should be no compulsion of Matric standard of Gurmukhi in posts. In Congress only Chamars are considered Harijans. Neither Balmiki nor Dhanak given a congress ticket. He appealed the audience to vote in favour of the candidates of Haryana Lok Samiti.

In the last Pt Budh Dev was asked to give his Ashirvad as DADA (greatest Pandit) of Haryana. He said he will give Ashirvad only if audience give him "Vachan" (Pledge) to vote for Lok Samiti candidates. "People were asked to raise their hands towards sun and to remember sun on the day of Polling. This is significant that Lok Samiti had chosen sun as a symbol for their candidates. He warned those who go back from the pledge will be given to the highest Brahmin of Haryana will go to Hell. The meeting ended.

15 *Summary of the Particulars of the meeting held on 4th February 1962 Anaj Mandi Rohtak, Rohtak Assembly Constituency in Rohtak Parliamentary Constituency.*

The meeting started with Piare Lal's Bhajan in praise of "Om Dhaj". After this Bhajan he made a commentary on the importance of "Om Flag". The second song was "HARYANA LOOT LIYA DHADI WALON NE". Piare Lal was followed by Ram Pat Banprasthi. He gave a song criticising Congress Government for Cow Slaughter.

Sh. Attar Singh Lok Samiti candidate from Salhawas Constituency asked Dhanaks and Balmikies to refrain from voting Congress because congress is enemy of these two castes."

Ram Dhari Gaur candidate of Haryana Lok Samiti from Gohana Assembly constituency persuaded audience to vote Haryana Lok Samiti in order to liberate Haryana from Sikhs or Punjabi Region. Sh Nafe Singh Samiti candidate from Rai Assembly Constituency started with a humorous story. He asked to raise Haryana by voting Haryana Lok Samiti candidates and asked people to raise Om Flag higher and higher.

Ram Dhari Balmiki supported Attar Singh Dhanak and asked Balmikies and Dhanaks to vote for Haryana Lok Samiti and to get congress defeated. As according to him Congress was enemy of these two castes.

Sh Badlu Ram criticised for imposing Gurmukhi on Haryana people and he asked audience to vote against congress. So that Haryana Lok Samiti candidates were in position to remove Gurmukhi from Haryana.

Mahasha Bharat Singh who was candidate on Haryana Lok Samiti ticket from Rohtak assembly constituency thanked those who donated for his elections.

Sh Ram Sarup Khadwal asked audience to vote for Haryana Lok Samiti because they were free to fight for Haryana where as Congress-men under discipline.

Sh Nanhu Ram, Sh Muni Ram Bagri, Shri Devi Lal (M.L.A.) Swami Atma Nand and Prof Sher Singh emphasised on Haryana's meager share in Government services. Swami Santosh Anand made highly provocative speech. He said Arya samaj fought always against "Papees" (Irreligious elements). It fought in Hyderabad against Nizam. It fought against Nawab of Loharu. "Now it will fight against Sikhs. His sentence that he, who will vote for Congress will give his daughter to Sikhs, was height of his attempt to create hatred against Sikhs and thus refraining audience to vote against congress candidates."

Sh Jagdev Singh respondent No. 1 said that some time he remained Jullundur. "Punjabi Hindu think that Partap Singh Kairon who was the leader of Congress in Punjab was a better enemy of Hindus and Hinduism. Let us liberate Haryana from Sikhs and the way is to defeat congress in election."

In the last Pt Budh Dev was asked to give his Ashirvad as "Dada" (greatest Pandit) of Haryana. He said, "He will give Ashirvad only if audience give him "Vachan" to vote for Lok Samiti candidates. People were asked to raise their hands towards sun and to remember sun on the day of polling. This is significant that Lok Samiti had chosen Sun as symbol for their candidates. He warned, "those who go back from the pledge given to the highest Brahman of Haryana will go to Hell."

Verification—I, Partap Singh Daulata, candidate for the election to the house of people from the Jhajjar Parliamentary Constituency, do hereby solemnly verify

that the statements of fact made in all paragraphs in Schedule "D" are true to my knowledge through Satbir Singh Rana, B.A. son of Ch. Abhe Singh resident of Kundal, District Rohtak.

Dated: 6-4-1962.

Place: Chandigarh.

PARTAP SINGH DAULATA,
Petitioner.

SCHEDULE "E"

That Arya Samaj is a Dharmik body. It is an organised Church. Its religious symbol is "OM DHWAJ" i.e. Word OM in Sanskrit Lipi printed on red cloth. This religious symbol used in election matters by any candidate or by any political party. Respondent No. I and his agents violated this dictate of law in the following manners:—

- (i) In all public meetings held by or arranged by respondent No. I and his agents OM DHWAJ was displayed in large number on stages and Pandals.
- (ii) The candidate and his supporters fixed OM DHWAJ to their cars and jeeps during election campaign.
- (iii) The supporters of the Lok Samiti fixed OM Flags on election offices and their houses. Sometimes more than one thousand flags could be seen in one village. Workers of Lok Samiti on cycles and on foot carried Om Flags with them and asked people to vote for this Om Flag and Arya Samaj. Every meeting was started and closed with a song by Pyare Lal Bhajnik, asking the people to keep Daya Nand's flag high and up. First headline of the song was "JHANDA PJARA OM KA SADA RAHEGA UNCHA", i.e. Our beloved Om Flag will go higher and higher.
- (iv) On 24th February 1962 when polling was going on, on the booth of respondent No. I and on those of his colleagues in Assembly Constituencies Om Flag was abundantly displayed to show the people that their booth were the booths of Dharma.

Verification.—I, Partap Singh Daulata, candidate for the election to the House of the People from the Jhajjar Parliamentary Constituency, do hereby solemnly verify that the statements of facts contained in various paragraphs of Schedule "E" are true to my knowledge.

Dated: 6-4-62.

Place: Chandigarh.

PARTAP SINGH DAULATA,
Petitioner.

[No. 82/42/62.]

New Delhi, the 4th May 1962

S.O. 1375.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 221 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Prabhu Narain Singh, son of late Shri Pratap Narain Singh, resident of Ck. 62/77, Kashipura, Varanasi, calling in question the election to the House of the People from the Chandauli constituency of that House of Shri Bal Krishna Singh, son of Shri Arjun Singh, village Akorha Kalan, Pargana Majhwar, District Varanasi.

Sd./- BAKHTYAR, HUSAIN,
Signature attested.
Sd./- K. K. SETHI,
12-4-62,
Under Secretary,
Election Commission, India.

Presented to me by Shri Bakhtyar Husain who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the twelfth of April one thousand nine hundred and sixty-two.

Sd./- K. K. SETHI,
12-4-62,
Under Secretary,
Election Commission, India.

To

THE ELECTION COMMISSIONER OF INDIA, NEW DELHI

ELECTION PETITION NO. 221 OF 1962

Prabhu Narain Singh a Candidate for Election to the House of People from 53 Chandauli, Varanasi District, son of late Pratap Narain Singh, age 45 yrs. r/o Ck. 62/77 Kashipura, Varanasi

Vs.

1. Sri Bal Krishna Singh s/o. Arjun Singh, village Akorha Kalan, Pargana Majhwar, District Varanasi.
2. Sri Moti Ram s/o Sri Raghunandan, village Rinauta, Pargana Hajhwar, Varanasi.
3. Sri Harihar s/o Rambadan Singh, village Bhurkura, Pargana Kera, Varanasi.

The contesting candidate of the Lok Sabha other than the petitioner.

.....Respondent.

Election petition of Sri Prabhu Narain Singh and others under section 81 of the Representation of the peoples Act of 1951 and rules made under the said Act.

The petitioner begs to state as follows:—

(1) That the petitioner was a candidate for election to the House of People from the Chandauli constituency 53 Parliament in the District of Varanasi which was held on 19th, 21st and 23rd of February, 1962.

(2) That the petitioner was a sitting member of Parliament having defeated the Congress Candidate, Pt. Jagat Narain Dube in the by Election last.

(3) That besides the petitioner there were three more candidates excluding the petitioner for election who have been shown as respondent No. 1, 2 and 3 as party in this petition.

(4) That the respondent No. 1 was a Congress nominee who along with the candidates of assembly constituencies namely Pt. Kamalapati Tripathi, Shree Shyam Lal Yadav, Shree Ram Lakhan, Shree Raj Narain Singh and Shree Himmat Bahadur Singh were sponsored as Congress candidates in the Assembly constituency, within the 53 Chandauli Parliamentary constituency, who were acting as agents of the respondent No. 1 for election purposes for and on behalf of the Congress Political Party.

(4) (a) That the persons named below were persons who acted as Returning Officer of the State Assembly Constituencies of Chakia, Chandauli, Mahaich and Kutchar. and who were actively helping the Congress candidates as also against the petitioners and they are also guilty of corrupt practices and they conducted themselves with partiality against the petitioner for the furtherance of the Election and prospects of the Congress Candidates, Respondent No. 1 in the constituency as such they have violated the provisions of Sections 129, 134, and 135 of the R.P. Act. The Returning Officers referred to above are (1) Shree Jwala Prasad R.O. of Chakia, (2) M. C. Jain R.O. Mahaich and Chandauli, (3) S. C. Dixit, R.O. Kutchar.

(5) That the result of the Election was declared on the 28th of February, 1962 by the District Magistrate at 12-10 P.M. as Returning Officer of the Chandauli Lok Sabha u/r 64 showing the result of the counting as below:—

1. Respondent No. 1 Bal Krishna 85117.
2. Respondent No. 2 Moti Ram 44390.
3. Petitioner No. 1 Prabhu Narain Singh 83,332.
4. Respondent No. 3 Harihar 17,235.

Total No. of Valid Votes Pollcd, 230,074.

Total No. of rejected votes 11,097.

Total No. of Tender votes not mentioned.

Total No./Voters on the rolls of the Chandauli Lok Sabha Constituency were as follows:—

- (1) 84445 (Mahich) (2) 84525 (Moghul Sarai) (3) 78476 (Chakia)
- (4) 92030 Katehar (5) 82862 Chandauli and accordingly.

i.e. total of 4,22,338 Respondent No. 1 was declared to be elected from the said constituency and accordingly a certificate was issued to the respondent No. 1 on the 28th of February, 1962, as required under 66 of the Election Rules.

(6) That the aforesaid election was not a free and a fair election by reason of corrupt and illegal practices as defined u/s 123 (1, 2, 3, 4, 5, 6, 7) and also u/s 125 of the R.P. Act, 1951 and in utter disregard of the Election Law and rules and with material irregularity which extensively prevailed at the aforesaid election in the constituency as hereinafter stated, which materially affected the result of the Election.

(7) That a concise statement of the material facts on which the petitioners relies are as follows:—

(a) That corrupt practices by the respondent No. 1 through his agent in election who were candidates in the assembly constituency also by conveyance of electors in hire and procured vehicles to and from polling stations details of which are given in Schedule 1 within the meaning of sec. 123 (5).

(b) That the respondent No. 1 has incurred expenditures in contravention of sec. 77 of the R.P. Act.

(8) That the corrupt practices specified in section 123 of the R.P. Act, have been committed by the returned candidate respondent No. 1 and the election of the said candidate is void. Particulars of the corrupt practices resorted to are given in detail in the following sub-paragraphs and the Schedules attached with this petition on the basis of information already available. The petitioners crave leave to add to these particulars at a later date, if and, when all the election papers are examined.

(8) (i) That most of the teachers of Primary and Middle School, Patwaris and employees and staff of the Antarim Zila Parishad Varanasi, were appointed as Polling personals, especially, the village teachers who were deputed as Polling personals in his own village at Polling stations in which the said teacher were teaching against the rules thereunder, they influenced their respective village voters in favour of respondent No. 1 who is an influential member of the Antarim Zila Parishad, Varanasi and was connected with the educational establishment of the Parishad.

(ii) That the employees of the institutions who were appointed as Polling Officers were either members of the Congress Party or they professed marked Political leaning towards Congress Candidates as against the petitioner. A list of such polling personals are given in Schedule showing their names and their employment with their other details particularly in the Chandauli assembly constituency.

(8) (2) That Shree Pt. Kamalapati Tripathiji was the Education Minister and as such he exercised great influence over the principles of education institutions in all the assembly constituencies under 53 Chandauli, and, he influenced them to exercise their pressure upon the voters to vote for the respondent No. 1, to the exclusion of the petitioner.

(8) (3) That School teachers worked as Canvassers for respondent No. 1 and his parties, in the Villages in the Constituency, and also they helped the respondent No. 1, when they served as Official Polling Clerks to do various duties at the

Polling Stations on the Polling days. A very large number of Official Polling Clerks in this Constituency who were drawn from the District Board School indulged in all sorts of malpractices to help the respondent No. 1. Their list is included in the Schedule.

(9) That the corrupt practices mentioned above had materially affected the result of the election in this constituency.

(10) That the result of the Election has been materially affected by non-compliance with the Provisions of R.P. Act and rules, particulars of which as far as available, are given below.

(a) The Polling Official parties for Chakia Chandauli, and Mahaich Constituencies in the Lok Sabha consisted of persons having a leaning towards respondent No. 1 and his party, who were the Congress Candidates of the said Constituencies and the appointed Polling Parties violated the provisions of sections 125 and 134 of the R.P. Act and rules and instructions issued thereunder.

(b) That, in furtherance and with the object of helping of the election of the respondent No. 1, the distribution of ballot papers to different polling stations of the constituencies were totally inadequate and short of the number of the registered voters attached to those polling station; with the result that a large number of voters could not exercise their franchise to vote, and were not supplied with ballot papers on account of shortage. Instances of this nature were complained of in Polling No. 80 and 81 Shahpur in particular and also at several other Polling Stations detailed hereinafter in the petition.

(11) That voters totalling to about 4000 were ordered to be included in the roll and when they went to exercise their vote at their polling station they were returned on the plea that the amended roll was not received by their respective presiding Officers and thus a vast number of voters were not permitted to exercise their franchise to vote. The above non-compliance with the R.P. Act and rules, was possible only by the concerted action of the returning Officer of Chakia, Chandauli, Mahaich and Katchar to which stations the votes belonged.

(12) That many of the polling stations particularly at Chakia, Chandauli, and Mahaich Ballot papers for the Lok Sabha were not given at all to ignorant voters, who were told to go away after casting their vote for the assembly, as their vote were cast and when they had left the Polling booths their ballot papers for the House of People were issued were either left blank or marked for respondent No. 1 by the Presiding Officer himself or through Polling Officers supporting the respondent no. 1, Polling Stations where this was done are given in this petition particularly at 51, 52, and 53 Polling Stations in Mahaich constituency.

(13) That Ballot papers of absent and dead voters were issued and marked by the Polling Officers in favour of respondent No. 1 and put in the ballot box.

(14) That the Ballot Papers account in form No. 16 kept by the Presiding Officers were totally wrong and against the instructions, they disclosed serious lack of duty so that no proper check of ballot papers received, or used, can be properly made and in several polling stations these accounts, when compared with the returns of the returning officers, several discrepancies and mistakes are found, which fully establish the wrong counting made, against the counting instructions and rules. This resulted in miscount, specific instances of Polling Station are given hereafter.

(15) That all the irregularities and illegalities were made possible by not making proper arrangements for counting and no effective supervision were allowed to be made, in as much as no reasonable ratio, between the number of counting assistants employed and candidate's counting agents, were allowed although under the rules, 16 counting Agents were permissible for the 16 counting tables for parliamentary constituency, but the number of counting agents of the petitioner was curtailed and reduced to 5 instead of at least 12 permissible under rule 52 read with section 47 of the R.P. Act 1951.

(16) That form No. 21 u/r 45 of the Election Rules, has not been filled in as prescribed, and similarly form Nos. 20 and 21 under rules 57 and 64 are also incomplete, as the total number of tender votes have not been shown either in form No. 20 or 21, which should have been taken from form No. 16; thus the whole counting is incomplete in several respects to justify recount and scrutiny.

(17) That at the time of close of the counting in the 53 Chandauli Parliamentary Constituency, in its assembly constituencies, objection was made to the assistant Returning Officers particularly to C.D.O. Chandauli, and Mahaich Shri

M. C. Jain and also S.D.O. Katehar and Chakia i.e. to Mr. S. C. Dikshit and Shri Jawala Pd. for recount, but they returned back the application, by saying that only the District Magistrate as Returning Officer of the Parliamentary Constituency can make an order for recount u/r 63 of the Election rules; where upon the Petitioner made such an application to the District Magistrate as Returning Officer, on the 28th of February 1962 in writing, before any return in form 20 or 21 was prepared, but the Returning Officer, wrongfully rejected the application although he was informed that the Election Commission has likewise, been applied for, recount, simultaneously.

(18) That the District Magistrate although has passed an order refusing recount, the same has not been delivered or any copy issued to the petitioner in spite of a proper application therefor. The order is clearly unjustified, and beyond the scope of the Returning Officer and the same could not have been rejected, under the rule.

(19) That for the facts and reasons stated below the result of the election, in so far as it concerns the returned candidate i.e. respondent No. 1, has been materially affected by the improper reception, refusal and rejection of a vast number of votes, which were void and in fact the petitioner has received a majority of valid votes in the election and that but for the votes obtained by the respondent No. 1 by corrupt practices, the petitioner would have obtained a vast majority of valid votes over those polled by the respondent No. 1 and the election of the respondent No. 1 is liable to be declared void and the petitioner is entitled to have been duly elected.

(20) That the provision of rule 93 of the Conduct of Election Rules 1961 relating to the production and inspection of election papers were not complied with, which is clear from the fact that when the petitioners applied for inspection of account and other papers connected with the election on 23rd March 62 before the Returning Officer, Varanasi and it became known that the petitioner was filing an election petition, the local authorities and the respective assembly officers in the parliamentary election constituency of the petitioner got alarmed, and they began to put all sorts of obstructions in the way of getting proper inspection by the petitioner and the returning officers concerned are believed to have employed various means and ways to impede and obstruct the inspection by the petitioner by mishandling and re-handling bundles of election papers behind the back of the petitioner which will be evident from the check of the seals of the bundles which previously had borne the signatures of the candidates' agents, which has now disappeared. All this was committed by the returning officers concerned without any authority from a competent court or a tribunal, in direct breach of rule 93 of the conduct of election rules. Several complaints regarding the conduct of the returning officers concerned were made both to the D. M. as returning officer of the Parliamentary constituency, and also to the Election Commissioner particularly on the following dates 29, 30, and 31 March, 1962, 3-4-62, 4-4-62 and 5-4-62. As a result of which the petitioners have not been able to get proper inspection. The details given in the petition have been given as far as possible in the peculiar circumstances of the case.

(21) That the Returning Officer of the Parliamentary Constituency, before declaration of the result failed to give due consideration to the grounds praying for recount under rule 63 of the Conduct of Election Rules, namely, about the wrong procedure adopted and wrong counting made in the constituencies under the parliamentary constituency specially by the Returning Officer Mr. M. C. Jain, Shri Jawala Pd., Mr. S. C. Dikshit, the Asstt. Returning Officer in the constituencies of Chandauli, Mahach Chakia and Katehar i.e. the counting of which were made at Chakia, in the soldiers board, and in the Antarm Zila Parishad and in the Collectorate compound and vicinity.

(22) That the interested counting assistants have as a matter of fact included the ballot papers of other candidates in the bundle of ballot papers of Congress Candidate respondent No. 1, and thus swelled its numbers. These bundles were not permitted to be looked into and could not be checked by the petitioner's agent on the plea that they are not permissible to be checked by the candidate or the counting agents.

(23) That thousands of ballot papers, amongst the eleven thousands rejected ballot papers in the parliamentary constituency, were found to have been marked on the back side of the ballot paper, because the symbols appear clearly on the back side as well, and the symbol of the petitioner was marked by the voters with stamps on the back side of the ballot paper thereby clearly indicating the intention

of the voters to cast their vote in favour of the petitioner and there was not the slightest doubt about the vote having been cast for the petitioner.

(24) That on a proper scrutiny and recount of the ballot papers both counted as valid and also rejected as invalid, in accordance with rules 56 and 39 of the Conduct of Election Rules, not less than six thousands ballot papers amongst the rejected ballot papers will be found to have been cast for the petitioner and they are good and valid votes for the petitioner and they could not have been rejected in any case or treated as a vote recorded on a ballot paper liable to be rejected or to make it doubtful to which candidate the vote has been given. In any case counting instructions contrary to the provisions of the Election Rules 39 and 56 can have no effect. The confusion in counting was mainly caused on account of not permitting 16 counting agents as prescribed in rule 52 of the election rule read with section 47 of the E. P. Act as referred to before in this petition.

(25) That several hundred of ballot papers issued by Presiding Officers in the constituency were wrongfully rejected although the votes recorded thereon were in favour of the petitioner without assigning any valid ground. Such ballot papers were in the nature of incorrect printing of the symbol of the communist candidate Hari Har, whose symbol of ear of corn was not printed and a star was wrongly printed instead on account of this the vote cast in favour of petitioner No. 1 upon the tree symbol on the ballot were not counted for him and the ballot paper was wrongly rejected. Such ballot papers numbered more than one hundred at one of the several polling stations. The exact number can be ascertained after inspection of Ballot Papers.

(26) That a number of complaints about counting were brought to the notice of Shri M. C. Jain the Returning Officer of Mahaich and Chandauli and Sri Jawala Prasad Srivastava for Chakla and Sri S. C. Dikshit for Katehar, but they expressed their inability to accept the complaint which should be submitted to the District Magistrate as Returning Officer of the Parliamentary constituency. The Returning Officers referred to above failed to exercise their independent and impartial judgement on account of their questionable alliance or leanings with the Congress Candidates, of the respective constituencies particularly from Chandauli who happened to be the ex-Minister of the State of U.P.

(27) That the confusion in counting will be abundantly clear from the following, wherein the discrepancies and mistakes in the ballot paper account of the Presiding Officers, as compared with those of the Returning Officers result of count, have been clearly brought out.

"A KATEHAR CONSTITUENCY

(1) At Polling Station No. 6 Dan. Ganj.

The Serial No. of Ballot Papers received was 229726 to 231377—1652.

Serial No. of Ballot Papers issued to voters i.e. 229726 to 231178—1452.

While in the Returning Officers result of counting has been shown only 452. It is not understandable how these 1000 ballots received and issued to voters have been accounted for. It is suspected that these 1,000 ballot papers were marked for the petitioner and have been done away with and the accounts has been made up for 452 only.

(2) At Polling Station No. 16 Bhopapur, the Ballot paper account of the Presiding Officer differs from the result of counting given by the Returning Officer.

(3) At Polling Station No. 19 Ayare Higher Secondary Schools, the ballot paper account shown does not tally with the ballot papers actually received and similarly ballot papers returned show a difference of not less than 6 or 8 votes which are not counted in the number of serials of ballot papers issued. Thus the Ballot papers alleged to have been used by voters is in fact, in excess of 557 shown by the Presiding Officer and returning officer. The whole account is a falsely made up one and imaginary. That at this polling station secrecy was violated by the presiding officer and he himself used to cross stamp marks on the ballot papers and not done by the voters. More than a hundred ballot papers were thus cross stamped by the Presiding Officer and when he was detected in this nefarious and wrongful work, he was made to note the fact of marking at least 55 ballot papers whose numbers are 247747 to 247801. All this was highly objectionable and seriously illegal and the said corrupt practice and non-compliance with the provisions and rules regarding elections extensively adopted other polling stations also materially effected the result of the election of the returned candidate which is void.

(4) At Polling Station No. 18 Shri H. C. Singh the Presiding Officer committed all these illegal acts to favour the Congress Candidate who was his intimate, having secret alliance with them to safeguard his temporary incumbent.

(5) At Polling Station No. 19, Ayara High r Secondary School, the Serial No. of Ballot papers received at this Polling Station bears serial numbers from 248300 to 249000 which a total of 701 but the Presiding Officer shows only 649 ballot papers to have been received. The excess of 52 ballot papers remains unexplained. Either the Presiding Officer has utilised them for the candidate of his choice i.e. in favour of respondent No. 1, or have wrongfully got them cast elsewhere which can only be ascertained after counting, checking and comparing the ballot papers polled in all the 5 constituencies, and see if the said serial numbers are found there. Besides, the serial numbers of ballot papers not used has been shown to be from 24700 to 24900 which series has not been received at this polling station by the Presiding Officer. Further the serial No. of ballot papers issued to voters has been noted to be from 2448300 to 24599 that is beginning from 7 digits and ending with 5 digits which appears to be absurd and cannot yield 395 as the total No. All this appears to be result of premeditation designed and to fraudulently concealed the actual state of affairs and the mystery can be revealed only on the scrutiny and accounting of the ballot papers. It is relevant to note that 6 ballot papers have been cancelled which appears to be of the series of ballot papers received while the ballot papers issued to voters and those not used do not belong to the series of the ballot papers received at this polling station. All this *goal maal* is the result of concerted action of the Congress Candidates in this constituency and the Polling staff who appears to have been selected by the returning officer to fulfil the wishes of the respondent No. 1 and his supporters. The polling group at this polling station was admittedly in unholy alliance with the Congress Candidates as, the same kind of gross negligence is found at polling station No. 19 in Mughal Sarai Constituency where the same polling party was deputed on 21-2-1962.

(6) In Polling Station No. 22 Shiv Rampur, the ballot paper account show that 1323 ballot papers were received contained in the serial numbers of ballot papers received from serial numbers 251275 to 252421 and 251801 to 251849 and 252003 to 252129 while ballot papers not used are from 252219 to 252421 i.e. 203 leaving the number of ballot papers issued to voters numbering 1120 while the account of the returning officer showing total No. of ballot papers round in box is given as 512 this leaves 608 ballot papers unaccount for in this polling station. Either they have been done away with in favour of the candidate of their choice to the prejudice of the petitioner or disposed of according to their sweet will.

(7) At Polling Station No. 23 the serial number of ballot papers have not been given so as to detect the disposal of 145 ballot papers wrongly shown to be missing.

(8) At Polling Station No. 25 Palhi Patti, the ballot papers actually received from serial No. 254218 to 255066 i.e. 849 but it has been wrongly shown to be 720 and does not account for 129 of the ballot papers received and further the ballot papers issued to voters by serial No. from 254218 to 254696 and 255066 which when counted means 480 ballot papers this account when compared by the result of counting by the returning officer shows that there are 81 ballot papers short at the counting. This too is a clear indication of the fact that at this polling also as at several other polling stations ballot papers have been misused, mishandled and utilised for the benefit of respondent No. 1 or for any other candidate of the choice of the returning officer or of the Presiding Officer's Party. The polling parties under the returning officer have been clearly guilty of partiality favouritism to make a free and fare election impossible.

(9) At Polling Station No. 26 Luskerpur Primary School the same thing has happened as at Polling Station No. 25 i.e. from the serials of the ballot papers received from 255067 to 256101, 255085 to 255099 and 255399, 255515 and 256082 to 256099 the total number of ballot papers received comes to 1070 as against 1000 wrongly shown while the total number of ballot papers issued to voters should be 650 which we got after deducting 420 from 1070. The result of counting given by the returning officer is only 577. Thus 73 ballot papers remain unaccounted for in this poll. If they were cast for the petitioner they may have been destroyed which is most probable in view of the conduct of the presiding officer exhibited in most of the polling stations in these constituencies.

(10) At Polling Station No. 27 Laksharnpur also ballot papers received from Serial No. 256102 to 257197 give a total of 1,095 as against 918 wrongly shown. This excess of ballot papers numbering to 178 remain unaccounted for and must have

been destroyed by the Presiding Officer as they were cast for the petitioner. Besides at this poll it appears that some series for 258020 have been received as it disclosed in the serial numbers noted for issued to voters and also others not used but these serials have not been mentioned in the serial number received. Thus the whole counting and the ballot papers account have been a jugglery and a mystery created by the presiding officer and the returning officer in this polling station.

(11) Similarly at Polling Station No. 29 Kahada Primary School serial numbers of ballot papers received by the Presiding Officer is from 257898 to 258000 and 259001 to 259608 i.e. a total of 700 ballot papers out of which ballot papers issued to voters are numbered 257900 to 258000 and 259001 to 259488 which totals to 578 but in the return 100 ballot papers have been shown less by the Returning Officer as a result of counting. The returning officer or the Presiding Officer appears to be done away with the 100 ballot papers which are issued to the voters were cast by the voters in favour of petitioner.

(12) At Polling Station No. 31 the Presiding Officer's account when compared with that of the Returning Officer's shows a deficit of one ballot paper.

(13) At Polling Station No. 33 Babliyaw Primary School the serial numbers of ballot papers have been purposely omitted by the Presiding Officer to avoid a detection of the irregularity and illegality committed by him at the polling station so that no check can be made regarding valid votes cast at the polling station. Shri Hari Nath Lal is Asstt. Master Government Inter College Jakhini whose appointment to the post was due to the mercy of the Congress Candidate of the constituency where Jakhini is situate.

(14) At Polling Station No. 34 a comparison of the Presiding Officer's account and the result of the returning officer shows a difference of one ballot paper.

(15) At Polling Station No. 36 Tari Primary School from the serial numbers of the ballot papers received the total comes to 855 and 791 as wrongly shown and on detecting the number of ballot papers not used i.e. 280 the total number of ballot papers issued to voters comes to 572. The result of the counting by the returning officer shows 511 as found in ballot box. The Presiding Officer therefore, as has been usual in this constituency must have spoiled 62 ballot papers which were presumably cast in favour of the petitioner.

(16) At Polling No. 38 Chalapur Junior High School on checking the Presiding officer's ballot papers account it is found that ballot papers not used of the said poll has been inflated and shown to be 376 but it should be 276 thus the number of ballot papers issued to voters comes to 725 and not 612 in this aspect 100 ballot papers have been unaccounted for at this Station. In this Station the Presiding Officer has been illegally not issuing Loksabha Ballot Papers to the voters for their marking and he used to return the voters after the cast of the Assembly vote and thereafter used the blank ballot of the Loksabha to the advantage of the Congress Candidate by marking cross stamp in favour of the Congress Candidate. This is borne out by the detection and the complaint by one voter Budia who was not given any ballot paper for Loksabha and on her hew and cry she was supplied with the Loksabha Ballot Paper which was treated as tender ballot paper. After this complaint the Polling personales are reported to have been changed. This serious discrepancy is fully supported by the result of counting of Shri S. C. Dikshit the Returning Officer of the constituency as also from the Presiding Officer's diary as well as the complaints made at this poll.

(17) At polling station No. 39 Gosaiapur Primary School there is difference of at least one vote between ballot paper account of the Presiding Officer and the result of the Returning Officer.

(18) At polling station No. 40 Gosaiapur Primary School on a check of the figures noted by the Presiding Officer in his ballot papers account we find that the ballot papers issued to voters according to the serial number given should be 628 while the Presiding Officer has shown 625 thus 6 ballot papers remains unaccounted for by comparison of the Presiding Officer's account and that of the Returning Officer.

(19) At polling station No. 42 Imlia Primary School three ballot papers remains unaccounted for when compared with the account of the Presiding Officer and the Returning Officer.

(20) At Polling Station No 44 Chhanhi Primary School it appears that the Ballot Papers should be 609 as received instead of 709 which those issued to voters

comes to 478 thus a comparison between the Presiding Officer's Account and that of the Returning Officer there is a difference of 100 votes found in excess in the ballot box. This is a very serious matter and establishes the corrupt intentions and work of the polling party in collusion with the Returning Officer Shri S. C. Dikshit.

(21) At Polling Station No. 45 Umraha Primary School the Presiding Officer's account is totally a faked up account as no check can be made from the figures given in the ballot papers account as their serial numbers given cannot be checked. This is clear from the s. no. of ballot papers given in the account.

(22) At Polling Station No. 46 Umraha Primary School the practice of giving the Assembly ballot paper to the voters and with-holding the Loksabha ballot papers by the Presiding Officer at this place also has been prevalent as has been mentioned hereinbefore in certain polling stations. At this Polling Station one Mr. Ram Bans son of Akshaibar of village Mohandaspur elector at Roll No. 67 reported that on demand of the second ballot paper for Loksabha which was not given before was refused and upon filing the complaint in writing by him the Presiding Officer very reluctantly issued one and it is believed that this Polling Officer has been doing this nefarious work since the beginning of Poll. The accounts given by him of the ballot papers are faked up as will appear from the Ballot paper accounts for not used and those issued to voters. A scrutiny of the Ballot Papers after inspection with the accounts of this Presiding Officer will reveal that the ballot papers serial number has been shown to have been issued to voters and the same numbers have been shown as not used thus there is a make up of 154 ballot papers which remains unexplained.

(23) At Polling Station No. 47 Primary School Umraha, the Returning Officer Mr. Dikshit has clearly favoured the respondent No. 1 by adding one hundred votes to respondent No. 1 and this establishes the Returning Officer's leaning and mental dishonesty for the candidate of his choice. The result of the counting for respondent no. 1 should have been 272 but the Returning Officer has given a grace of 100 votes to him and shown 372 as valid votes cast for respondent no. 1. This is highly objectionable and the Returning Officer is guilty under section 129 and 134 of the Representation of People Act under which he is liable to be punished considering all the circumstances and his conduct in the election of this constituency.

(24) At Polling Station No. 52 Rauna Khurd Primary School the Presiding Officer's Ballot Account show that he actually received 540 ballot papers and returned not used only 275 ballot papers and those issued to voters comes to 265 while the Returning Officer's Counting Result shows that 524 ballot papers were found in the ballot box thus the excess ballot papers found in the ballot box numbering 259 establishes a serious charge against the Returning Officer Shri S. C. Dikshit in inflating the ballot box with extra ballot papers. It also appears that the Presiding Officer prepared a totally imaginary account of ballot papers showing the receipt of 799 ballot papers as against 540 resulting from the serial number of ballot papers given by him. The Presiding Officer at this place was Shri J. P. Chaturvedi who is A.D.I.O. (Information) (Department) under Shri Kamla Pati Tripathi the formal Information Minister of the State who is also a congress Candidate from Chandauli Assembly constituency. This clearly establishes the currents and under current and alliances between the Assembly candidate and the respondent No. 1 with the Polling Parties employed in this constituency as engineered by the Returning Officer Shri Dikshit.

(25) At Polling Station No. 53 Rauna Khurd the Returning Officer Shri S. C. Dikshit has visited this place and had been encouraging the Presiding Officer to favour the Congress Candidate as has been reported by the Polling Agents at this place where all the Congress Candidates were influencing the polling parties for the Congress.

(26) At Polling Station No. 57 Ajgara Primary School the Presiding Officer Shri Rajendra Narain Lal does not give the serial number of the Ballot Papers not used or the ballot papers issued to the voters or the ballot papers cancelled to avoid checking and the mere figures of total number of ballots under those heads show that the ballot papers issued to voters should be 637 and not 486 therefore a result of counting showing the ballot papers found in the box to be 686 is totally wrong and does not explain from where 49 ballot papers have been imported in the box.

(27) At Polling Station No. 62 Mharari Junior High School it is disclosed in the Presiding Officer's diary that 35 ballot papers from 288131 to 288165 to belong

to some other constituency in the Lok Sabha and the ballot papers within those numbers or others in the series that were cast at this Poll should not have been counted at the counting and they should have been rejected by the Returning Officer Shri Dixshit which he has not done in contravention to his duty as a returning officer and he is guilty under sections 129 and 134 for breach of his official duty.

(28) At Polling Station No 72 Chandravati Private School the ballot account does not give any account for ballot paper no 294272 and thus return has been very negligently prepared.

(29) At Polling Station No 81 Shahpur Primary School on account of shortage of ballot papers the polling was suspended for three hours as mentioned herein-after in this petition on account of less supply of ballot papers by the Returning Officer in violation to instructions of the election commission. It may be clearly stated that a Polling Station No 81 Shahpur Primary School the total number of Electors on the roll are about 1200. The returning officer supplied only 400 ballot papers at the polling station in direct violation to instructions for supply of ballot papers equal to the number of voters allotted to a particular polling station. Thus at the said polling station the 400 ballot papers were exhausted by mid day and the parliamentary casting of votes was suspended for about three hours during which time hundreds of votes of petitioner melted away and could not cast their votes for want of ballot papers for the parliament. Complaint was made with the presiding officer to that effect and voters as many as 200 had to go away without casting their parliamentary votes. It is worthy to note that Sri Dixit the returning officer refused the inspection of the presiding officer's diary of this Polling Station to conceal his lapse of duty.

(30) At Polling Station No 82 Primary School Narainpur two ballot papers nos 387924 and 387925 have not been accounted for by the Presiding Officer.

(31) At Polling Station No 94 Barhanpura Primary School the Presiding Officer does not account for 100 ballot papers which appear to have been misused by him and he has shown only 700 ballot papers as receipt. A note by the Presiding Officer to the effect that 100 ballot papers have been handed over to Sector Magistrate cannot be sustained and may be a lame excuse to make up the accounts particularly for the reason that when the ballot papers are supplied to a Presiding Officer it is his duty to at once note them down in form no 16 which is completed later at the close of the Poll.

"B" CHANDAULI CONSTITUENCY

(1) At Polling Station No 1 R Primary School the ballot papers account given by the Presiding Officer has been shown to be 691 while the serial numbers of ballot papers received from 144001 to 144733 which works 733 similarly the ballot papers issued to voters when worked out from serial numbers 144001 to 144592 works out 592 and not 550 the result of counting given by the returning officer Shri M C Jain is only 551 and it is not knowable how the Returning Officer has done away with 41 ballot papers.

(2) At Polling Station No 2 Khurja Primary School the ballot papers received has been shown to be short by 6 ballot which cannot be explained as to how those 6 ballot has been disposed off when they have been issued to voters and not accounted for.

(3) At Polling Station No 7 Darbeshpur the actual ballot papers were received are actually number 871 while the serial of ballot papers not used and those of ballot papers issued to voters are given in serials numbers 447 to 678 and 622 to 440 which are totally unintelligible and these serials have not been shown in the ballot papers received. The whole returned appears to have been based upon imaginary calculations and serial numbers. The Presiding Officer of this place have very negligently done his duty and is guilty of breach of official duty in connection with election under section 134 R P Act.

(4) At Polling Station No 8 Primary School Chandauli the Presiding Officer has failed to give the serial numbers of ballot papers not used or issued to voters making a check of the Ballot Papers impossible and the Presiding Officer concerned is guilty under section 134 of the R P Act.

(5) At Polling Station No 12 JHS Chandauli the serial number 153533 appears in three places in the accounts i.e. for ballot papers not used and for ballot papers issued to voters and it is evident that the ballot papers account have

been given in a slip shod way which becomes meaningless and not capable of being checked.

(6) At Polling Station No 13 Bisauri Primary School the serial number of ballot papers issued to voters has not been noted by the Presiding Officer in his returned and thus no check can be made in a correct way and the slip attached in the accounts appears to have been subsequently introduced when the papers being consigned to the Record Room.

(7) At Polling Station No 22 the counting result by the returning officer if correctly added comes to 532 while the actual ballot papers issued to voters is shown to be 633 in the presiding officer's ballot paper account. Further more the difference of 100 ballot papers issued at this polling station remains unexplained as to how these have been disposed off and in whose favour they have been cast.

(8) At Polling Station No. 25 and 26 the ballot papers accounts are totally incorrect and they show excess of three in one and 10 in the other which remains unexplained.

(9) At Polling Station No. 31 and 32 the accounts are incorrect as it shows an excess of one ballot paper and three ballot papers in them respectively.

(10) At Polling Station No. 34 Baraini Junior High School there is absolute black out about the serial numbers required in the Ballot Papers account and no body can check how matters stand at this polling station. This absence of serial number of ballot papers is a pointer to the facility to absorb collected ballot papers from other polling stations and swell the votes of the respondent No. 1 without fear of detection. A full scrutiny about the Ballot Papers issued to all the polling stations may bring to light the serious departure and non observance of rules facilitating corruption among the polling parties.

(11) At Polling Station No. 38 Amra the excess of one ballot paper in the result or counting by the Returning Officer when only 509 ballot papers were issued to voters at this Poll is starting and points to the fact that free ballot papers have been available to the miscreants to swell the counting by illegal practices.

(12) At Polling Station No. 41 Asna Primary School the serial numbers of ballot papers cancelled does not show to count correctly and the account is totally incorrect.

(13) At Polling Station No. 42 Asna Primary School the serial numbers of ballot papers given cannot be explained and does not give the result noted in the total number column thus no proper check can be made.

(14) At Polling Station No. 45 Jalalpur Primary Pathshala the Presiding Officer has given 123 ballot papers to be illegible but no serial number of them has been given nor those ballot papers have been shown to have been returned as not used.

(15) At Polling Station No. 47 Kamharla Primary School the ballot papers received were 185771 to 186421 i.e. 651 ballot papers out of which ballot papers not used have been shown to be 131 thus only 528 ballot papers appears to have been issued to voters. It is strange that 618 ballot papers were found in ballot box as noted by the Returning Officer. This swelling of ballot papers in the ballot box is a serious matter and it points to the fact that the votes of the respondent No. 1 has been swelled by importing ballot papers from other polling stations.

(16) At Polling Station No. 49 Dighi Primary School ballot papers received by the Presiding Officer was 200322 to 202321 the total number of ballots comes to 2,000, out of which ballot papers not used is 257 and ballot papers issued to voters should have been 1,742 which has been shown wrongly as 742. Thus a total of 1,000 ballot papers issued to voters remains unfound in the result of the counting. It is probable that 1,000 ballot papers have been shuffled in counting by the returning officer some where in the constituency to inflate the respondent No. 1's ballots or the 1,000 ballots have been done away with which were really cast for the petitioner. This glaring discrepancies of 1,000 ballot papers issued to voters is important enough for scrutiny and recounting of all the ballot papers in the parliamentary constituency.

(17) At Polling Station Nos. 50, 53, 54, 55, 56, 58, 59, 62, 67, 70, 71, 76, 77, 78, 80, 82, 86, there are a difference of several votes ranging from one to 11 in each and every of the Polling Station showing that the Presiding Officer have totally confused the counting making a check of the counting account of ballot papers impossible.

(18) At Polling Station No. 90 Salimpur Primary School, the ballot papers received actually numbered 900 while the accounts have been given for 800 only the 100 ballot papers received by the Presiding Officer remains unaccounted for.

"C" CHAKIA CONSTITUENCY

(1) At Polling Station No. 6 Secondarpur North that total number of ballot papers issued to voters is only 531 but the ballot papers found in the box as a result of counting actually comes to 553 but the returning officer has blindly put it at 551. It is unexplainable how this excess of 2 votes found place in the ballot box.

(2) At Polling Station No. 13 Shikargunj Kothi Maharaja Saheb an excess of 100 votes have been received by the Presiding Officer but he only account for 945 ballots and it is not understandable what has been done with the 100 ballot papers actually received. The serial given in the Presiding Officer's Account is totally uncheckable and confusing one. Purposely done to avoid checking.

(3) At Polling Station No. 30 there is an excess of one ballot paper in the result of counting. Similarly at polling station No. 31 there is an excess of one ballot papers in the result of counting.

(4) At Polling Station No. 34 Kharunja the serial numbers of ballot papers not used and those issued to voters have not been shown to avoid checking.

(5) At Polling Station No. 36 Saidpur Primary School on proper checking it will found that there is an excess of 9 ballot papers over the Presiding Officer's accounting and the result of counting.

(6) At Polling Station No. 40 Direhu the ballot papers of the account of the Presiding Officer shows the serial number of received ballot papers have not been shown or if shown they are only 527 and all of them appears to have been issued to voters. Now then 273 ballot papers shown to have been not used come from. The account is a faked one and does not admit of checking.

(7) At Polling Station No. 46 Karnaul Primary School at this polling station it is strange where from the ballot paper No. 54866 has come as the said number does not find place among the ballot papers received. The whole account is suspicious and uncheckable.

(8) At Polling Station No. 58 Amao Sarkari Chaunai went of serial number for ballot papers not used and for ballot papers issued to voters it cannot be ascertained if the account is correct. The omission has been purposely made to avoid the detection.

(9) At Polling Station Nos. 77, 78, and 81 there is a difference of one (1) vote in each of the Polling Stations between the account of the Presiding Officer and the result of counting by the Returning Officer.

"D" MAHAICH CONSTITUENCY

(1) At Polling Station No. 14 Awahi Primary School the ballot papers actually received was 1,800 and those issued to voters was fourteen hundred and five while the Returning Officer gives the account for only 405. How the one thousand votes have been wrongfully disposed off remains unexplained.

(2) At Polling Station No. 21 Madhopur the accounts are imaginary as no serial numbers have been given of the Ballot Papers issued to voters and no check is possible. Similarly at Polling Station No. 25 Kamalpura College no check can be made for want of serial numbers of ballot papers not used and ballot papers issued to voters.

(3) At Polling Station No. 26 Bihari Primary School the result of counting noted by the Returning Officer gives a total of 400 and not four hundred and fifty. It is not explainable where those fifty ballot papers have gone.

(4) At Polling Station No. 27 Bahri the actual ballot papers issued to voter comes to four fiftysix instead of four thirty five and it is not understandable how

the twenty-two ballot papers being dealt with as the Returning Officers result of counting shows only for thirty-three ballot papers in the box.

(5) At Polling Station Nos. 34, 36, 41 there is a difference of one ballot paper in each of the polling which remains unexplained.

(6) At Polling Station No. 77 Mathela the ballot papers received by the Presiding Officer are 999 and the number of ballot papers and used should be 477 instead of 377 wrongly shown thus the ballot papers issued to voters comes to 522 and it has been wrongly shown to be 622 and the same numbers have been shown in the ballot box. It is strange how 100 votes have swelled in the Ballot Box.

(7) At Polling Station No. 79 Kaili Primary School from the serial number received the total comes to 759 out of which 518 ballot papers have been shown to be not used. Thus leaving 341 ballot papers issued to voters. It is not understandable how 200 ballot papers found misplaced in the Ballot box.

(8) At Polling Station No. 83 Kanwar from the ballot papers received comes to 1,400 and not 900 as wrongly noted and from the ballot papers issued to voters it comes to a total of eleven hundred and eighty-four. It is not understandable where the five hundred votes have disappeared from the result of counting given by the Presiding Officer the whole thing is suspicious and appears to be conspired by the respondent No. 1 in alliance with the Polling Party.

(9) At Polling Station No. 86 Balua Higher Secondary School the accounting cannot be checked for want of serial numbers of ballot papers not used and issued to voters this probably done with a design to avoid checking.

"E" MOGHAL SARAI

(1) At Polling Station Nos. 4, 9, 10, 13, 18, there are difference of one or 2 votes at each polling station between the two accountings.

(2) At Polling Station No. 19 it is found when the serial numbers of ballot papers issued to voters are added comes to 733 which has been wrongly noted as 693, the result of counting only accounts for 693 and does not account for 40 ballot papers issued to voters.

(3) At Polling Station Nos. 25, 27 it appears that there is difference of three and one vote respectively which remains unexplained.

(4) At Polling Station No. 33 Shahjan the ballot papers account cannot be properly checked for want of serial numbers. The total number of ballot papers actually comes to 752 as received and if the number of ballot papers not used shown to be 404 is deducted from those received it leaves a balance of 348 as having been issued to voters which has been wrongly shown to be 645 which number is also shown to have been found in the ballot box. This excess of 298 ballot papers in the ballot box is a mystery.

(5) At Polling Station No. 71 no proper check can be made for want of serial numbers and total numbers of ballot papers not used and ballot papers issued to voters. This was highly undesirable and negligence of duty by the Presiding Officer.

(6) At Polling Station No. 73 Balua Junior High School the ballot papers shown as received is only one thousand forty-eight but on counting the serial numbers given it comes to twelve hundred and forty-four. It is not known how these excess ballot papers have been disposed off because no serial numbers of ballot papers not used and those issued to voters have been given thus the excess of 196 ballot papers remains unexplained.

(28) To sum up the figures referred to in the five constituencies mentioned in the pages from 13 to 33 about the polling stations of the constituencies it may be stated that at Katehar constituency a total of 3,074 are affected. Similarly at Chandauli such ballot papers number to 1,466 and that at Chakia, the figure is 115 and Mahaich 1,876. Similarly at Moghal Sarai it numbers 545. Thus the total in whole constituency the ballots affected by the conduct of the polling officials and the returning officers about 7,076 votes are proved to have been affected which have not been counted or taken into account of in the counting result of the returning officer.

(29) That the Election of Lok Sabha Constituency at Chandauli has not been held by fair and legal methods and the so called majority of votes of the respondent No. 1 over the petitioner said to be of 1,785 votes is totally wrong and is the

result of illegalities, irregularities, non-compliance and corrupt practices committed by the polling parties, Returning Officer and against the Conduct of Election Law. Congress Candidate i.e. the respondent No. 1. The election of the respondent No. 1 is liable to be set aside.

(30) That the real state of affairs shown in pages from 13 to 33 will be further borne out by a comparison of the marked copy of ballot papers with those given in form No. 16 and the bundles of ballot papers the inspection of which, when permitted will fully support the allegation made in this petition. Account and scrutiny therefore of the ballot papers are indispensable for the disposal of the petition which is also prayed.

(31) That the accounts submitted by the respondent No. 1 are false and the expenditure incurred by him is much higher. He has hidden many expenses such as those incurred on the printing of pamphlets and voters cards for polling days and other items of printing in publicity and those incurred on his polling agents on the day of polling and a fairly good amount spent on petrol in the Jeeps supplied to him by Sri Kamalapati Tripathi. The accounts therefore should be rejected.

(32) That as the result of above mal-practices of the respondent No. 1 the petitioner was declared defeated.

(33) That a deposit of Rs. 2,000 has been made by the petitioner as required by law and the Government Treasury receipt showing such a deposit is being attached with this petition and five copies of his petition attested by the petitioner to be true copies of the petition are also attached.

Prayer:—

- (a) The petitioner therefore prays the following among other reliefs that the election of respondent No. 1 as member of the House of People (Lok Sabha) of the Indian Union be declared void and the petitioner be declared duly elected for the said House.

OR

- (b) The election of the respondent No. 1 be declared void.
 (c) That the cost of the proceedings incurred by the petitioner be awarded to the petitioner against respondent No. 1.
 (d) That any other and further relief to which petitioner be found entitled before the tribunal be granted to him.

VERIFICATION

I, Prabhu Narain Singh, the petitioner do hereby verify that the contents of this petition contained in the paras 1 to 26 and 28 to 33 are true to my personal knowledge and those in para. 27 given in pages 13 to 33 are true to my knowledge derived from partial inspection of the incomplete records and from other sources which I believe to be true. Verified this the 10th day of April 1962 in the Civil Court compound, Varanasi.

SCHEDULE No. 1

(1) Vehicle No. U.P.L. 3177 Public carrier owned by Shri Ram Sakal Singh, Village Dharauli, P.O. Kanta, Varanasi was hired by Shri Bal Krishna respondent No. 1 and voters were carried on 19th February 1962 from village Savaya to Polling Station Bisauli and back. Complaint made to Sector Officer on duty and Presiding Officer Bisauli but they paid no attention and encouraged the respondent No. 1 to continue the said corrupt practices.

(2) Similarly Jeep No. 2562 owned by Shri Shiva Kedar Singh, village Baraura Chakia, Varanasi was hired by respondent No. 1 to carry women voters from their village attached to the Polling Station Lehra on 19th February 1962 to the said Polling Station and back.

(3) U.P.L. 3994 stage carriage owned by Shri Ram Arya Ojha, village Phutia, Chandauli, Varanasi was also hired by respondent No. 1 and voters were carried from the villages attached to Chandauli on 19th February 1962 to the said Polling Station and back.

(4) U.P.L. 600 Private Station Wagon owned by Sm. Prema Bhulpur, Varanasi was hired by respondent No. 1 and voters were carried by the agent of respondent

No 1 on said vehicle from the villages attached to the Polling Station Baburi and back

As far as possible the following list of voters carried on vehicle as alleged above are given below:

- | | |
|-------------------|------------------|
| 1. Shri Madho | 67. Kedar |
| 2. Gauri Shanker. | 68. Phulpati |
| 3. Sri Sukali | 69. Kumari |
| 4. Rukmini | 70. Bhulani |
| 5. Baggu | 71. Sunari |
| 6. Buchni | 72. Shiva Narain |
| 7. Sukhnandan | 73. Samiathia |
| 8. Siri | 74. Ram Ganesia |
| 9. Birbal | 75. Kulvantia |
| 10. Badal | 76. Lachmina |
| 11. Bachani | 77. Changur |
| 12. Kishore | 78. Ram Sunder |
| 13. Sarju | 79. Marachia |
| 14. Chulsa | 80. Paudhari |
| 15. Kumar | 81. Nanhak |
| 16. Bagesari | 82. Udas |
| 17. Gokul | 83. Dcomurat |
| 18. Gobind | 84. Nankesra |
| 19. Sukhrani | 85. Bhagwanti |
| 20. Deo Narain | 86. Kashinath |
| 21. Samrathi | 87. Jagarnath |
| 22. Makula | 88. Aliyarin |
| 23. Bechan | 89. Ram narash |
| 24. Ramdulari | 90. Rama |
| 25. Rupa | 91. Jagrani |
| 26. Dhaneshra | 92. Sumitra |
| 27. Bahari | 93. Phulhari |
| 28. Munshi | 94. Zahuran |
| 29. Shivnandan | 95. Mangari |
| 30. Dallu | 96. Rajkahan |
| 31. Narkanday | 97. Phulari |
| 32. Sumari | 98. Dukhni |
| 33. Fakiran | 99. Sumari |
| 34. Pyari | 100. Tuli |
| 35. Bajinath | 101. Sursati |
| 36. Muneshra | 102. Shyamkaran |
| 37. Gajadhar | 103. Ramdhani |
| 38. Namji | 104. Tilakdhari |
| 39. Muneshra | 105. Gauri |
| 40. Toria | 106. Sumari |
| 41. Khunkhun | 107. Mantorna |
| 42. Dassi | 108. Sobhnath |
| 43. Rambasi | 109. Salik |
| 44. Nahdei | 110. Ragho |
| 45. Gopi | 111. Umrihi |
| 46. Ram Lal | 112. Jhingtu |
| 47. Ramkunwar | 113. Shiva Kumar |
| 48. Bhagui | 114. Samji |
| 49. Kajju | 115. Kumari |
| 50. Budhmani | 116. Gopal |
| 51. Arjun | 117. Smarathi |
| 52. Basmati | 118. Dhankunri |
| 53. Nantorna | 119. Shrinivas |
| 54. Sugauti | 120. Surat |
| 55. Bishnath | 121. Pujari |
| 56. Manai | 122. Budhni |
| 57. Mangra | 123. Sumari |
| 58. Gopal | 124. Phulbasia |
| 59. Kanhai | 125. Gonia |
| 60. Ramjatti | 126. Kaulpatti |
| 61. Dhankepra | 127. Jokhani |
| 62. Ramdai | 128. Chaneshtri |
| 63. I akhpatti | 129. Lachua |
| 64. Sunari | 130. Punia |
| 65. Sursati | 131. Tetra |
| 66. Basantia | 132. Rajkaha |

133. Mukha	205. Halvaldar
134. Lalla	206. Lili
135. Surahi	207. Girja
136. Patiraj	208. Muharmani
137. Omkar	209. Senbarta
138. Mahadeo	210. Singhari
139. Surews	211. Bhulan
140. Mahadeo	212. Manika
141. Sami	213. Phulmati
142. Sonkali	214. Phulbasi
143. Sughra	215. Kasturba
144. Kashi	216. Mangari
145. Sita	217. Muneshwar
146. Ramdhar	218. Dudhnath
147. Amardeo	219. Phulnath
148. Muneshwar	220. Mekhuri
149. Ramji	221. Atarbas
150. Bhagwani	222. Ramji
151. Tetra	223. Lachman
152. Lillawati	224. Bharat
153. Rama	225. Mangar
154. Musafir	226. Samwa
155. Bechana	227. Sahdeo
156. Mulakraji	228. Muneshwari
157. Hajari	229. Muniya
158. Ram karan	230. Mukhran
159. Sobha	231. Chhotu
160. Jangi	232. Chunia
161. Saniya	233. Sutrag
162. Baiju	234. Kabutera
163. Kauli	235. Sukhran
164. Kalia	236. Cudani
165. Chura	237. Ramdasi.
166. Dulari	238. Bangi
167. Santu	239. Jangi
168. Phekni	240. Badri
169. Shivenath	241. Dwarika
170. Manjhari	242. Phakeni
171. Jagropan	243. Ram Dulari
172. Sama	244. Madhava
173. Kulwanti	245. Jajdamba
174. Ujagir	246. Farsad
175. Sumitra	247. Sakal
176. Ramrati	248. Ganga
177. Bhagmani	249. Bhagwan
178. Pyare	250. Sudin
179. Kalawati	251. Sukhdei
180. Markandey	252. Dashrath
181. Kunwar	253. Parasuram
182. Kishore	254. Pakhandi
183. Sursati	255. Chakhur
184. Marachi	256. Batha
185. Dhanukraji	257. Jagannath
186. Jamuna	258. Bukhu
187. Sursati	259. Dukhu
188. Jadunath	260. Kharpattu
189. Aditya	261. Raja
190. Achalbar	262. Ramkhusi
191. Chandar	263. Ballar
192. Heera	264. Girja
193. Hankunwara	265. Bihari
194. Kabutari	266. Bulara
195. Chanda	267. Dhonda
196. Hanika	268. Nand Kishore
197. Sahijad	269. Bechana
198. Dhunan	270. Jahrani
199. Markandey	271. Churan
200. Anrudh	272. Jokhana
201. Shrivadhani	273. Sama
202. Manika	274. Lalti
203. Maya	275. Pherantu
204. Subedar	276. Chedulli

278. Bansu	334. Nihal
279. Phulwaria	335. Natwar
280. Shyam Lal	336. Basmati
281. Cherai	337. Samvanti
282. Lachiya	338. Kalpnath
283. Ladi	339. Jagannath
284. Jasam	340. Ram Naresh
285. Chedi	341. Prabhavati
286. Sultan	342. Sharda
287. Basuli	343. Patti
288. Samu	344. Daya
289. Chauthi	345. Aliyar
300. Faudi	345. Bhrijunath
301. Bithalu	347. Bansropan
302. Putai	348. Sursati
303. Jagannath	349. Kamla
304. Balloo	350. Bajrangi
305. Ramdas	351. Sahrangi
306. Tengari	352. Manikraj
307. Budhu	353. Raorangi
308. Misri	354. Sloka
309. Dukhi	355. Rajjan
310. Deonandan	356. Ram Raj
311. Mithai	357. Jagrani
312. Sahdeo	358. Tengri
313. Teemal	359. Bhulan
314. Bando	360. Ramvanti
315. Teemal	371. Chhabaraji
316. Kapilmuni	372. Fouzdar
317. Huani	373. Sahodara
318. Dargahi	374. Hauldar
319. Pannar	375. Malti
320. Sahdeo	376. Bijai Bahadur
321. Badri	377. Bachhan
322. Ram Chandar	378. Prabhavati
323. Shyamsundar	379. Ram Naresh
324. Bal Ruchi	380. Punjabi
325. Kripa Shanker	381. Radhey
326. Harihar	382. Dulari
327. Badri	383. Ganesb
328. Bhola	384. Sita
329. Dulari	385. Radhey
330. Sharda	386. Jagardco
331. Kailash	387. Heera
332. Ram Sevak	388. Lokenath
333. Chura Devi	

PRABHU NARAIN SINGH,

VERIFICATION

I, Prabhu Narain Singh the petitioner do hereby verify that the contents of this Schedule, pages 1 to 7 are true to my knowledge derived from enquiries made and no part of it is false. Verified this the 10th day of April 1962 in the Civil Court compound, Varanasi.

SCHEDULE No. 2

Schedule showing the list of Polling Officials were deputed at the same place where had they been working

Serial No.	Name	Address	Polling where	Station posted.
1	Shri Rama Murat	Master Primary School, Baubatpur.	27, Baubatpur, school,	J.H.
2	" Kamal Tewari	Ditto.	Ditto.	
3	" Raghubansh Mani Singh	Master Primary School, Parewa	29, Parwea Pry. School	
4	" Babunandan Lal	Do.	Do.	
5	" Ramparickan Singh	Master Primary School Rampur	32 Rampur School.	
6	" Chinta Mani Pandey	Do.	Do.	

Serial No.	Name	Address	Polling where	Station posted.
7	Shri Rajani Ram . .	Master J.H. School Barahani	33, Barahani School.	J.H.
8	„ Narrendey Shukla . .	Do.	Do.	Do.
9	„ Ram Charan . .	Do.	Do.	Do.
10	„ Nargad Singh . .	Do.	Do.	Do.
11	„ Raghunath Singh . .	Master Primary School, Rewasa	35, Rewasa School.	Primary
12	„ Karpath Ram . .	Do.	Do.	Do.
13	„ Chirai Singh . .	Do. Amra	27, Primary School, Amra.	School,
14	„ Ambika Singh . .	Do.	Do.	Do.
15	„ Chandrika Pd. . .	Do. Asna	41, Primary School, Asna.	School,
16	„ Hardeo Singh . .	Do.	Do.	Do.
17	„ Sudama Singh . .	Do. Paikushi	43, Primary School, Paikushi.	School,
18	„ Ramjan Dubey . .	Do.	Do.	Do.
19	„ Ram Bachan . .	Do. Jalalpur	45, Primary School, Jalalpur.	School,
20	„ Guru Prasad . .	Do.	Do.	Do.

Mahaich Assembly Constituency Chandauli Parliamentary Constituency.

21	Shri Matiullah Khan . .	Master J.H. School, Anati	17, J.H. School, Anati	
22	„ . .	Do.	Do.	
23	„ Alakhanarain . .	Do.	Do.	
25	„ Dharamdeo Singh . .	Master Primary School, Dabaria	19, S. School, Dabaria.	
26	„ Ram Awadh Pandey . .	Do.	Do.	
27	„ Ram Surat Pandey . .	Master Primary School, Madhopur.	21, Primary School, Madhopur.	
28	„ Jhari Ram . .	Master Primary School, Madhopur	Do.	
29	„ Raghubanash Ram . .	Master Junior High School, Kamalpur.	123, Junior High School, Kamalpur.	
30	„ Ram Pharsingh . .	Do.	25, Do.	
31	„ Hardeo Pandey . .	Do.	Do.	
32	„ Ram Kaval Upadhya . .	Do.	Do.	
33	„ Mali Singh . .	Master Primary School, Banari	27, Primary School, Bahari.	
34	„ Nand Kishore Lal . .	Do.	Do.	
35	„ Bhoolan Singh . .	Master Primary School, Negura	28, Primary School, Negura.	
36	„ Musai Ram . .	Do.	Do.	
37	„ Shahhnath Misra . .	Master Primary School, Negura	29, Do.	
38	„ Hafizullah Ansari . .	Do.	Do.	
39	„ Hanuman Upadhya . .	Master Primary School, Khadan	30, Primary School, Khadan.	
40	„ Chaniradip Awasthi . .	Do.	Do.	

Mughal Sarai Assembly Constituency Chandauli Parliamentary Constituency.

41	Shri Madan Mohan . .	Master Primary School, Niamtabad.	2, Niamtabad Primary School.	
42	„ Bhagratu Tisari . .	Do.	Do.	
43	„ Murari Prasad . .	Master Primary School Pachokher	4 Pachokher Primary School.	
44	„ Moti Prasad . .	Do.	Do.	
45	„ Mohd. Jaki . .	Master Primary School, Bhapari	6, Bhapari Primary, School.	
46	„ Nand Kishore . .	Do.	Do.	
47	„ Jagat Narain Singh . .	Master Primary School, Sarna	7, Primary School, Sarna.	
48	„ Sarja Pd. . .	Do.	Do.	

Serial No.	Name	Address	Polling where	Station posted.
49	Shri Mohd. Saleem . . .	Master Junior High School, Alinagar.	21, Junior High school, Alinagar.	
50	„ Abdul Gaffar . . .	Do.	Do.	
51	„ Subhan Husain . . .	Do.	30, Primary School, Patpara.	
52	„ Aftab Ahmad . . .	Do.	Do.	
53	„ Maula Bux . . .	Master Primary School, Katesar	40, Primary School Katesar.	
54	„ Rahmat Ali . . .	Do.	39, Primary School, Katesar.	
55	„ Harish Charan . . .	Master Primary School, Chandosi	42, Chandosi.	
56	„ Babban Singh . . .	Do.	Do.	
57	„ Baliram Prasad . . .	Master Primary School, Chandrakha.	49, Chandrakha Primary School.	
58	„ Chiranji Pd. . .	Do.	Do.	
59	„ Nijamuddin . . .	Master Primary School, Dahia	51, Primary School, Dahia.	
60	„ Kalloo Ram . . .	Do.	Do.	

Chukia Assembly Constituency Chandaulsi Parliamentary Constituency.

61	„ Ram Moorati Singh . . .	Head Master Primary School, Kodachaki.	Primary School, Kodachaki.	
62	„ Ram Pd. Tripathi . . .	Asstt. Master Primary School, Kodachaki.	Do.	
63	„ Jagpat Tripathi . . .	Head Master Primary School, Kudra.	3, Primary School, Kuara.	
64	„ Raj Nath Lal . . .	Asstt. Do.	Do.	
65	„ Salig Ram . . .	Master Primary School, Garhwa	4, Primary School, Garhwa.	
66	„ Chandra Dhar Lal . . .	Do.	Do.	
67	„ Bhagwan Upadhyia . . .	Master J. High School, Sikanderpur.	6, Sikanderpur North Primary School.	
68	„ Bhagwati Pande . . .	Do.	Do.	
69	„ Sripati Tripathi . . .	Master J. H. School, Sikanderpur.	7, Sikanderpur Primary School.	
70	„ Ram Kuber Misra . . .	Do.	Do.	
71	„ Bhan Raj Pd. . .	Master Primary School, Bhikampur.	8, Primary School, Bhikampur.	
72	„ Vibhuti Narain . . .	Do.	Do.	
73	„ Bans Deo Lal . . .	Master primary School, Lathia	12, Lathia Kala Primary School.	
74	„ Ramji Diwidi . . .	Asstt. Do.	Do.	
75	„ Hari Shanker Lal . . .	Head Master J.H. School, Sitar-ganj	13, Sitar-ganj Hothi Maharaja Saheb.	
76	„ Daya Shanker Lal . . .	Asstt. Do.	Do.	
77	„ Sankatha Pd. . .	Master J.H. School, Sitar-ganj	14, Do.	
78	„ Ram Kumar Diwidi . . .	Do.	Do.	
79	„ Akshai Bar Pandey . . .	Head Master Primary School, Nawabganj.	15, Nawabganj Primary School.	
80	„ Sheomurti Singh . . .	Asstt. Do.	Do.	
81	„ Sheo Raj Singh . . .	Master Primary School, Sultanpur	4, Sultanpur, Primary School.	
82	„ Radha Shyam Chaube . . .	Do.	Do.	
83	„ Lok Nath Singh . . .	Master Junior High School, Danganj.	5, Junior High School Danganj.	
84	„ Sheo Bodh Chauk . . .	Do.	Do.	
85	„ Ram Autar Lal . . .	Master Junior High School, Dangani.	6, Dangani Junior High School.	
86	„ Ram Pd. Singh . . .	Do.	Do.	
87	„ Sherda Chaube . . .	Master Primary School, Roop Chandpur.	9, Roop Chandpur Primary School.	
88	„ Jai Mangal Yadava . . .	Do.	Do.	
89	„ Ganga Pd. Singh . . .	Master Primary School, Tilmapur.	10, Tilmapur.	

Serial No.	Name	Address	Polling where	Station posted.
90	Shri Madho Singh .	Master Primary School, Tilmapur.	10, Tilmapur	
91	„ Ram Shanker Ram .	Do.	11, Primary School,	
		Do.	Tilmapur.	
92	„ Mahendra Pratap .	Do.	Do.	
93	„ Bananarain Singh .	Master Primary School, Bhopapur	16, Bhopapur.	
94	„ Shreenath Singh .	Do.	Do.	
95	„ Jangali Pd. .	Master Primary School, Sheo Rampur.	23, Sheorampur.	
96	„ Sheomangal Pathak .	Do.	Do.	
97	„ Pannoo Pd. .	Master J.H. Cholapur	37, Cholapur J. High School.	
98	„ Ram Surat Singh .	Do.	Do.	
99	„ Srinath Pande .	Master Primary School, Umraha	45, Primary School, Umraha.	
100	„ Dwarika Pande .	Do.	Do.	
101	„ Taruni Kumar .	(Presiding Officer) Panchayat Raj Inspector Panchayat Office Dighi (Chandauli).	50, Primary School, Dight (Chandauli).	
102	„ S.B. Singh .	Clerk Do.	Do.	
103	„ Ram Chiranjiva .	Secretary Do.	Do.	
104	„ Sankatha Prasad .	Secretary Do.	Do.	
105	„ Badri Prasad .	Peon Do.	Do.	
106	„ Paras Nath Misra .	Master P. School Dighi Chandauli	50 P. School Dighi	

The above instances are only illustrative and this Schedule can be added to in vast numbers hereafter.

प्रभुनारायण सिंह

VERIFICATION

I, Prabhu Narain Singh the petitioner do hereby verify that the contents of this Schedule pages 1 to 5 are true to my knowledge derived from enquiries made and no part of it is false. Verified this the 10th day of April 1962 in the Civil Court compound, Varanasi.

प्रभुनारायण सिंह

Copies of this petition is hereby attested by the petitioner under his own signature to be a true copy of the petition.

प्रभुनारायण सिंह

[No. 82/221/62.]

By Order,

C. B. LAL, Under Secy.,

New Delhi, the 3rd May 1962

S.O. 1376.—Whereas the election of Shri Surendranath Dwivedi as a member of the House of the People from the state of Orissa from the Kendrapara Parliamentary constituency, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Banbehari Mohanty, son of late Rangadhar Mohanty, resident of village Mantiri, P.O. Sunguda, P. S. Salipur, District and Munsiff Cuttack, Orissa.

And whereas the Election Commission has caused a copy of the petition to be published in an official gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by section 86, 87 and 88 of the said Act, the Election Commission hereby appoints Shri Brij Mohan Lall, a retired* as the member of the Election Tribunal for the trial of the said petition and Bhubaneswar as the place where the trial of the petition shall be held.

*Judge of the High Court at Allahabad.

[No. 82/54/62.]

S.O. 1377.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Sangayya Post Jagtial District Karimnagar , Andhra Pradesh.	Karimnagar.

[No. AP-HP/37/62(1).]

S.O. 1378.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri J. Venkatesham, 6-7-181, Bansilalpet, Secunderabad.	Secunderabad.

[No. AP-HP/32/62(2)/36719.]

S.O. 1379.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Kommareddi Bapayya Swatantra Party Office, Eluru.	Eluru.

[No. AP-HP/11/62(3)/36713.]

New Delhi, the 4th May 1962

S.O. 1380—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951 the Election Commission hereby publishes a copy of the Election Petition No 130 of 1962, presented to the Commission on the 11th April, 1962 under section 81 of the said Act, by Shri Harikishore Singh son of Shri Jugal Kishore Singh, village & P O Chamanpur P S Sheohar, District Muzaffarpur, calling in question the election to the House of the People from the Pupri constituency of that House of Shri Shashi Ranjan Prasad Sahu, son of Shri Matuk Prasad Sahu village & P O Rajkhand, P S Katra, District Muzaffarpur

IN THE COURT OF ELECTION TRIBUNAL,

Through

The Election Commission of India,

1, Aurangzeb Road, New Delhi

Election Petition No 130 of 1962.

In the matter of an election petition under section 80 and 81 of the Representation of the People Act 1951

AND

In the matter of an election petition challenging the election of 13 Pupri parliamentary constituency of The House of the People.

AND

In the matter of Shri Harikishore Singh son of Shri Jugal Kishore Singh, village and P O Chamanpur, P S Sheohar, District Muzaffarpur (Bihar)—Petitioner

Versus

1 Shri Shashi Ranjan Prasad Sahu, son of Shri Matuk Prasad Sahu, village and P O Rajkhand P S Katra District Muzaffarpur (Bihar)

2 Shri Nasiruddin Haidar Khan son of Md Yakub Khan, resident of village Parsauni Mahulbar P O Parsauni, Mahulbar P S Belsand District Muzaffarpur (Bihar)

3 Shri Jogendra Prasad Singh, son of Shri Jamuna Singh, resident of village Morsand P S Saidpur, District Muzaffarpur (Bihar)

4 Shri Thakur Prasad son of Shri Dhodha Singh resident of village Rampur, P S Saidpur District Muzaffarpur (Bihar)—*Respondents*.

The humble petition on behalf of the above named petitioner

Most respectfully sheweth —

(1) That for the election of the member of the Parliament from Pupri constituency of the House of the People the following different dates were fixed by the authorities —

Date for filing nomination paper from 18th January 1962 to 20th January 1962

Date for the scrutiny of the nomination papers—22nd January 1962

Date for withdrawal of the Nomination—25th January 1962

Date for polling—21st February 1962, 23rd February 1962 and 25th February 1962

date for counting of Ballot papers—26th February 1962, 27th February 1962 and 28th February 1962

Date on which the result was announced—1st March 1962

(2) That all together candidates mentioned below, filed their nomination papers before the Returning Officer for the said election

(i) Sri Harikishore Singh (On behalf of P S P)

(ii) Sri Shashi Ranjan Prasad Sahu (On behalf of Congress)

(iii) Sri Nasiruddin Haidar Khan (On behalf of Swantantra Party)

(iv) Sri Jogendra Prasad Singh (On behalf of Socialist Party)

(v) Sri Thakur Prasad Singh (Independent)

(vi) Sri Pawan Kumar Thakur (Independent).

(3) That the nomination papers of all the above candidates were accepted on 22nd January, 1962 by the Returning Officer.

(4) That one of the candidates Sri Pawan Kumar Thakur withdrew his candidature and hence there was a contest between the remaining five candidates.

(5) That after the counting the respondent No. 1 was declared elected on the 1st March, 1962.

(6) That the election of Respondent No. 1 is illegal and void and fit to be set aside.

(7) That the respondent No. 1 has got a firm in his name styled as S. Ranjan and Brothers for contract business.

(8) That since the respondent No. 1 is joint with his other two brothers named as Shri Rajani Ranjan and Kumud Ranjan they all have got joint interest in the said firm but the work of the firm is mainly managed by the respondent No. 1 and his 2nd brother Shri Rajani Ranjan and his son Shri Kartik Kumar.

(9) That the Respondent No. 1 himself, through his firm M/s. S. Ranjan and Brothers and through his brother Rajani Ranjan has got several contracts with the Central Government which are still subsisting.

(10) That the Respondent No. 1 himself, through his firm M/s. S. Ranjan & Brothers and his brother Shri Rajani Ranjan has got contracts with Central P.W.D. Food Storage Division, P. & T. Division, Civil Aviation Division and other divisions for construction of Government Food Godowns at Muzaffarpur, Telephone Exchange Main building Muzaffarpur, Aerodrome and Patahi (Muzaffarpur), External service at Patna Aerodrome etc. and the above contracts were subsisting at the time of the nomination and election of the Respondent No. 1.

(11) That the Respondent No. 1 has got several other direct and indirect contracts with different departments of the Central Government which had been subsisting at the time of his election and are still subsisting.

(12) That the Respondent No. 1 was disqualified under section 7(d) of Representation of the People Act, 1951 to be chosen to fill the seat.

(13) That the nomination paper of respondent No. 1 was improperly accepted which has materially affected the result of the election.

(14) That since the respondent No. 1 was clearly disqualified to be a candidate for the said election, the votes cast in his favour were all wasted votes.

(15) That the petitioner having got the highest valid votes should be declared as duly elected candidate.

(16) That the petitioner has deposited Rupees 2,000 as security money in favour of the Election Commission for the cost of the petition under section 117 of the Representation of the People Act Challan of which is enclosed herewith;

It is, therefore, prayed that your honour may be pleased to grant this petition, call for the records of the case and after hearing the parties be further pleased to declare the election of the respondent No. 1 to be void and also pleased to declare the petitioner to be duly elected or pass any other order or orders as your honour may deem fit and proper.

And for this the petitioner shall ever pray.

Dated the, 9th April 1962.

HARI KISHORE SINGH.

VERIFICATION

I, Harikishore Singh, son of Shri Jugal Kishore Singh, village and P.O. Chamaupur, P.S. Sheohar, District Muzaffarpur do hereby verify at Patna on the 9th of April, 1962 and declare that the contents of the paragraphs 1, 2, 3, 4, 5, 7, 8, 12, 13, 14, and 16 of the election petition are true to my knowledge and that of paragraphs 9, 10, 11 are partly true to my knowledge and partly based on reliable information believed to be true and that of paragraphs 6, 15 are submission to the Court.

Dated the, 9th April 1962.

HARI KISHORE SINGH.

[No. 82/130/62.]

S.O. 1381.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 294 of 1962, presented to the Commission on the 14th April, 1962, under section 81 of the said Act, by Shri Ramasrey Pd. Chaudhary, son of Babu Chhatradhari Chaudhary, deceased of village and P.O. Keonta, District Darbhanga, calling in question the election to the House of the People from the Samastipur constituency of that House of Shri Satya Narain Sinha, son of Shri Beni Pd. Singh of village Shambhupatti, P.S. Samastipur, District Darbhanga.

PETITION UNDER SECTIONS 80 AND 81 OF THE REPRESENTATION OF PEOPLES ACT, 1951

BEFORE THE ELECTION COMMISSION, NEW DELHI

An election petition under Article 329 of the Constitution of India read with sections 80 and 81 of the Representation of the Peoples Act, 1951. In respect of the election to the Lok Sabha (House of People) from 16-Samastipur Parliamentary constituency in the Darbhanga District of the State of Bihar, held on 18th, 21st, 23rd, and 25th of February, 1962.

ELECTION PETITION No. 294 OF 1962.

BETWEEN:—

Shri Ramasrey Pd. Chaudhary son of Babu Chhatradhari Chaudhary, deceased of village and P.O. Keonta of Darbhanga District. An elector in 103, Dalsinghsarai West Assembly constituency and candidate for 16 Samastipur Parliamentary constituency to the House of People.

Versus

1. Sri Satya Narain Sinha, son of Shri Beni Pd. Singh of village Shambhupatti P.S. Samastipur Distt. Darbhanga Returned Candidate—*Respondent*.
2. Sri Rajendra Mahto, son of Shri Janakdhari Mahton of village Patepur Gopinath P.O. Gighra District Darbhanga—*Defeated candidate—Respondent*.
3. Sri Banarsi Pd. Sah son of Shri Sarjug Sah of village and P.O. Nayanagar in the district of Darbhanga—*defeated candidate—Respondent*.
4. Sri Hemant Kumar Chaudhary son of Sri Ramasrey Pd. Chaudhary of at and P.O. Dalsinghsarai Distt. Darbhanga—*Retired candidate—Respondent*.
5. Rejeshwar Patel son of Sarjoog Patel village Akhtiarpur P.O. Chandauli District Darbhanga—*Retired candidate—Respondent*.

The humble petition states as follows:—

1. That the petitioner is an elector, his name, being included in the electoral roll for 16, Samastipur Parliamentary constituency in serial No. 1 from village Keonta in Dalsinghsarai West Assembly constituency.

2. That on 13th January 1962 the aforesaid constituency was called on to elect a member for House of People, 20th January 1962 being the last date for filling nomination paper.

3. That the petitioner, filed his nomination paper on 18th January, 1962 and respondent No. 1, respondent No. 2, respondent No. 3 and respondent. 4 and 5 also filled their nomination papers.

4. That the nomination paper of the petitioner along with the respondents were declared valid by the Returning Officer, Darbhanga.

5. That this petitioner was the candidate, on behalf of the Swatantra Party of India, whereas respondent No. 1 was candidate, on behalf of Congress Party, respondent, No. 2 was candidate, on behalf of Praja Socialist Party, respondent No. 3 was candidate on behalf of socialist party, and respondent No. 4 and 5 were independent candidates, who withdrew their candidature.

6. That during the election the respondent No. 1 and respondent No. 2, their workers and party members made speeches falsely indicting the Swatantra party as a party of Rajas and Maharajas and Zamindars trying to take back the Zamindari and establish their tyrannical rule over the tenantry. Respondent No. 1

and his workers and party men exhorted to muslim voters inhabiting the constituency to vote for the congress on the ground that they are only safe in the hands of the congress. They also canvassed vote on ground of castism. On many different occasions they also delivered speeches making false imputation to the Swatantra Party as also to this petitioner. The instances, date, time and persons, making speeches are enumerated in Annexure A herein below annexed.

7. That the congress party workers agents of respondent No. 1 distributed to the knowledge and connivance of the respondent No. 1 leaflets casting heinous and false aspersions on the character of this petitioner and made false imputations against this petitioner's whole family. Instances of such leaflets are enumerated in Annexure B herein below annexed.

8. That respondent No. 1 got printed one booklet of song namely JAWANE-KI-HAWA (जवाने की हवा) written and published by Sri Ramdeo Singh of village Khajuri in P.S. Samastipur in the District Darbhanga containing bitter songs against Swatantra Party and their leaders in village dialect. The agents and workers of Respondent No. 1 distributed this booklet in the whole of constituency and all the songs were sung on loudspeakers. One particular instance is on the occasion of Sri Jawahar Lal Nehru visit on 15th February, 1962 at Samastipur and inciting communal feeling in Hindus and creating hatred against Swatantra Party. This pamphlet also falsely said that this party will take back Zamindari. This book is mentioned in Annexure C herein below annexed.

9. That corrupt practices were employed during election by the congress and the workers, agents of respondent No. 1 to his full knowledge and such corrupt practices are enumerated in Annexure D here, is annexed.

10. That the voters were given temptations to vote for Respondent No. 1 and one such temptation was given to voters at village Chandsuri in Dalsinghsarai P.S., where Respondent No. 1 promised to have bridge over river Baluahi constructed. And in fulfilment to that promise respondent No. 1 laid down the foundation stone of the bridge on 8th February, 1962 and addressed a large meeting requesting electorate to vote for him as he construct the bridge at his own cost. And other inducements offered by Respondent No. 1 or on behalf of Respondent No. 1 are enumerated in Annexure D herein below annexed.

11. That during election Government vehicles and Government requisitioned vehicles for election duty were used by respondent No. 1 for carrying people to the places where election meetings were held on behalf of respondent No. 1, particularly on the occasion of Prime Minister's visit at Samastipur on 15th February, 1962 in connection with the election campaign on behalf of Respondent No. 1 and on that date the use of Government vehicles and Government requisitioned vehicles for election duty for carrying people from Dalsinghsarai to Samastipur and registration number of such vehicles are given in Annexure E herein below annexed.

12. That the Government Railway employees were working for canvassing vote for respondent No. 1 with his full knowledge. Namely Sri Lalbahadur Chaudhary and Braj Kishore Jha both passengers guides posted at Samastipur only for this purpose. Sri Ramkripal Singh guard and Sri Birbahadur Singh, clerk of D.T.S. office, Samastipur were also utilised by Respondent No. 1 for his election work. And all the four workers of Respondent No. 1 took leave from the Railway. The post of passenger guide was only created to accommodate Sri Lal Bahadur Chaudhary, and Brajkishore Jha resident of this constituency, so that they may work for respondent No. 1

13. That secrecy of ballot were not maintained by recording ballot paper serial No. against the name of elector in the copy of the electoral roll set apart for the purpose by the Polling officer, due to this very practice Respondent No. 1, his election agent Sri Purshottam Pd. Singh and others use to canvass to the voters that if they did not vote for the Respondent No. 1 they would be in a position to know as to what they did as they were ruling party. That due to this thing in practice and propaganda the people out of fear that the secrecy of voting will be known to respondent No. 1. The electoral dared not to go against him. So the rule framed under the Conduct of Election Rules, 1961, section 38(2) is *ultra vires* and infringes the constitution of voting by secret ballot.

14. That on Booth No. 34, M.E. School, Dalsinghsarai on 21st February, 1962 Congress Party flag was used within 100 yards of the above booth and canvassing were made by workers of Respondent No. 1 within 100 yards of the Polling booth.

Sri Devi Pd. Agrawal hired rickshaw for carrying voters, he was also polling-agent for Respondent no. 1.

15. That on booth No. 33 in National High School on 21st February 1962 at Dalsinghsarai Sri Satyapal Mishra Polling agent of Respondent No. 1 hired rickshaw for carrying voters and this matter was reported to the Presiding Officer of that booth, for that application he also refused to grant receipt at the instigation of Sri J. Pathak, Anchal Adhikari, Dalsinghsarai. On this booth also National M. E. school was open, which is in the same compound and workers of Respondent No. 1, took advantage of this and canvassed vote within the compound of that school. On the same day that is on 21st February, 1962, Sri Ramakant Singh, and Sri Gobardhan Bhai Patel hired 50 rickshaws for carrying voters on booth Nos. 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, of Samastipur East Assembly constituency. On that very day Sri Sitaram Pankaj hired 25 rickshaws for Dalsinghsarai town booth No. 33, 34, 35, 36, from Samastipur.

16. That Booth No. 48, and 49, on 21st February, 1962, in Gram Panchayat Bhawan Sahit in Dalsinghsarai west Assembly constituency, the above booths were located just by the side of Congress Parliamentary election office located in the Gaddi of Sri Moshahab Mahto. For this, objection was raised at the time of selection of polling-booth. There they used to collect voters and canvass for their votes which was within 100 yards of the booth. The congress flag was also used on that day within 100 yards of the above booths. For which Sri Shilwant Kumar Chaudhary, election agent of Sri Ganga Pd. Dass, a candidate from 103 West Dalsinghsarai Assembly constituency filed objection to the respective Presiding officers.

17. That on 23rd February, 1962, in Uda Hat Portable booth in Samastipur West Assembly constituency minorities were threatened at the point of revolver by Sri Purshottam Pd. Singh, election agent of Respondent No. 1, and Sri Sitaram Pankaj a worker of Respondent No. 1. And for this authorities were informed. No challenge of votes were entertained by the Presiding Officer and Sri Yadu Chaudhry a Polling agent of the petitioner was threatened by the Presiding Officer, Zonal Magistrate, Shri J. Pathak, election-agent of Respondent No. 1, and he was compelled to leave the booth. Similarly the Polling-Agent of Respondent No. 2, were also threatened and were compelled to leave the booth. Bogus votes were polled. The Presiding Officer used to get the voters identified by the Polling agent of Respondent No. 1. All these incidents were reported to the Returning Officer, Samastipur.

18. That the account, submitted by the Respondent No. 1, and Respondent No. 2, is also wrong and incorrect. The Respondent has left many expenses incurred by him—Respondent No. 1, has spent more than the limit fixed by the law.

19. That the petitioner has deposited a sum of Rs. 2,000, only in the Government treasury in favour of Secretary, Election Commissioner, New Delhi as security to the cost of the election petition. The treasury receipt being No. 9 dated 11th April, 1962, is attached herewith.

That the result of the election of the petitioner has been materially effected by the above mentioned corrupt and illegal practices committed by Respondent No. 1, and Respondent No. 2, and through their agents to the knowledge of Respondent No. 1, and Respondent No. 2, with their connivance.

In view of the facts set forth above it may be declared that the election of Respondent No. 1, is void and be set aside and it is further prayed that further declaration be given that the petitioner himself has been duly elected or any respondent, other than respondent No. 1, has been duly elected.

Sd./- RAMASREY PRASAD CHAUDHARY.
11th April, 1962.

VERIFICATION

I, Ramasrey Pd. Chaudhary, do hereby solemnly declare that the above statements of this petition are true to the best of my knowledge and belief.

Sd./- RAMASREY PRASAD CHAUDHARY,
11th April, 1962.

ANNEXURE A

1	19-1-62	Kishanpur Thana Congress Committee .	Sri Satyanarain Singh Respondent No. 1.
2	20-2-62	Belari, Pataili, Sirpur Gahar Pethra Rahua, Barhetta, Nagargama, Jalalpur .	Pt. Harinath Mishra on behalf of Respondent No. 1.
3	25-1-62	Throughout the Constituency . . .	Sri Lakshmikanth Jha Yotshi M.L.C. Shashikant Jha on behalf of Respondent No. 1.
4	25-1-62 to 25-2-62	Ditto.	Balgobind Mahto, Ramrachha Mahto Banwari Mahto, Jitu Mahto, Gayanchand Mahto, Jaddunandan Mahto, Ramjee Mahto on behalf of Respondent No. 1 & 2.
5	29-1-62	V. Narghoghi	Sri Satyanarain Singh.
6	8-2-62 to 12-2-62	V. Nagarvasti Satmalpur Mathurapur & Other places . . .	. Shah Umair M.P.
7	11-2-62	Dalsinghsarai M.E. School ground .	Satyanarain Singh, Satyapal Mishra, Ramgovind Nayak, Rameshwar Singh, Babulal Surekha.
8	Ditto.	V. Sahit	Sri Satyanarain Singh, Suresh Chandra Tiwari, Rameshwar Singh, Satyapal Mishra.
9	7-2-62	Samastipur	Sri Jagjiwan Ram.
10	1-2-62 to 7-2-62	Ditto.	Sri Jafar Imam. Ex.-Law and Jail Minister.
11	2-2-62	In Sahitganj	Dr. Syed Moheemmad M.P. Kutipara Hussainashool compound.
12	15-2-62	Samastipur	Prime Minister
13	8-2-62	V. Bochha Mow.	Sri Rajendra Mahto

ANNEXURE B

1. Kisanpur Majdoor Bhailyo Sabdhan, by thana congress committee: Dalsinghsarai, Printed by Pravati Press, Samastipur.
2. Kalka Kukarmi, as Sadhu ke Vesh me by Dalsinghsarai ke Khista Ka Nagrik.
3. Babu Satyanarain Singh—Se meri Koi Sikayat nahi by Sibnandan Singh Pagra, printed by Prabhat Press, Samastipur and many others.

ANNEXURE C

1. Jawane ki hawa written and published by—Ramdeo Singh V. Khajuri P.O. Ghataho, Darbhanga, printed by Sri Rambhajan Press, Samastipur.

ANNEXURE D

1. Hiring of bullock carts for carrying voters by Polling agents of Respondent No. 1 and 2, on almost all booths.
2. Bribery to Harijans for giving votes to Respondent No. 1, on the 17th, 20th, 22nd, and 24th's night of February, 1962, by Respondent No. 1, Election-agent, and Polling agents of Respective areas.
 - (i) Ganga Paswan-village Paghra.
 - (ii) Pancha Lal Mehtar village Kalyanpur.
 - (iii) Padumkant Jha, Kalyanpur.
 - (iv) Ramautar Rai, Kalyanpur.
 - (v) Mahabir Rai, Chora Tabhaka.

- (vi) Jamun Sada-Balkishunpur.
- (vii) Khakhar Paswan—Khan Mirjapur.
- (viii) Jugal Thakur—Ajnoul.
- (ix) Ramkhelawan Chaudhary, Ashinchak and others. Inducement offered by Respondent No. 1, his agents and by Baleshwar Ram at present Parliamentary Secretary, Bihar.
- 1. Promotion of U.P. school Malpur, P.S. Dalsinghsarai to M.E. school.
- 2. Re-opening of Dhepura L.P. school.
- 3. Application to M.E. school, Simari.
- 4. Grant-in-aid to Bazidpur Bombaiya M.E. school.
- 5. Promise of raising of M.E. school, Kalyanpur to H.E. school.
- 6. Grant to Mathurapur M.E. school.
- 7. Donation to Chansurai Library by Respondent No. 1.

ANNEXURE E

On 15th February, 1962, plying of Government vehicles for carrying people from Dalsinghsarai to Samastipur for Prime Minister election meeting.

B.R.H.	1380
B.E.H.	5241.
B.R.H.	8668

and on the same day and for the same purpose the following vehicles were used which were requisitioned for election Duties.

B.R.R.	7685.
B.R.R.	6743.
B.R.R.	6457.
B.R.R.	157.
B.R.R.	6040.
B.R.N.	4020.

Sd./- RAMASREY PRASAD CHAUDHARY,
11th April, 1962.

VERIFICATION

I, Ramasrey Pd. Chaudhary, do hereby, declare that the above statements of this petition are true to the best of my knowledge and information.

Sd./- RAMASRAY PRASAD CHAUDHARY,
11th April, 1962.

AFFIDAVIT

I, Ramasrey Pd. Chaudhary son of Babu Chhatradhari Chaudhary, deceased of village and P.O. Keonta of Darbhanga District, aged about 66 years, do hereby solemnly affirm as follows:—

1. That I am the applicant in this case.
2. That the contents of this election petition are true to the best of my knowledge, information and belief.

Sd./- RAMASRAY PRASAD CHAUDHARY,
11th April, 1962.

[No. 82/294/62.]

S.O. 1382.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 321, of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Shri Vishwanath Yadav Tamaskar, Advocate, Durg, Tahsil and District Durg, Madhya Pradesh, calling in question the election to the House of the People from the Durg constituency of that House of Shri Mohanlal Bakliwal, son of Shri Premasukh, shop-keeper, Durg, Tahsil and District Durg, Madhya Pradesh.

BEFORE THE ELECTION COMMISSIONER, NEW DELHI

ELECTION PETITION No. 321 of 1962

Vishwanath Yadav Tamaskar, Advocate, Durg, Tahsil and District Durg, (M.P.).—*Petitioner.*

Versus

1. Mohanlal Bakliwal, son of Premsukh, Shop Keeper, Durg, Tahsil and District Durg.

2. Nandlal Sharma, son of Pandit Harishchandra Sharma, R-561, Shankar Road, New Delhi.

3. Namdas, son of Ghondul, by profession Agriculturist of village Mura, Tahsil and District Raipur, M.P.—*Respondents.*

Petition under section 81, of the Representation of People Act, of 1951, for challenging the election of Respondent No. 1, who has been declared elected as a Member of the House of People from Durg Parliamentary Constituency No. 19, in Durg District and for declaring the Petitioner as duly elected Member instead.

The case of the Petitioner is as under:—

1. That there has been a general election all over the country i.e., Bharat for election of Members to the House of People in the year 1962.

2. That the Schedule of Election was as under:—

- (i) Notice of Election, 13th January, 1962.
- (ii) Filing of Nominations, 13th January, 1962 to 20th January, 1962.
- (iii) Scrutiny of Nomination Papers, 22nd January, 1962.
- (iv) Withdrawal of Nomination Papers, 25th January, 1962.
- (v) Elections in the Constituency, 19th February, 1962 and 24th February, 1962.
- (vi) Declarations of the result, 28th February, 1962.

3. That Shri R. N. Chopra, I.A.S., Collector, Durg, was appointed as Returning Officer, Durg, for conducting the elections in the District.

4. That five persons filed their Nomination Papers for this Parliamentary Constituency, viz., (i) Vishwanath Yadav Tamaskar, (ii) Namdas, (iii) Mohanlal Bakliwal (iv) Vishwaraj Singh, and (v) Nandlal Sharma.

After the scrutiny, they were declared as validly nominated candidates (*vide* Ex*A.I). But before the date of withdrawal, Shri Vishraj Singh withdrew his nominations. Thus, leaving the Petitioner and the respondents as the only contestants (*vide* Ex *A.II).

5. That on 28th February 1962, in the counting of votes, Shri Mohanlal Bakliwal of Durg was declared to have been duly elected to fill the Parliamentary Seat, securing 88,539 votes. The other candidates secured votes as under:—

(a) Vishwanath Yadav Tamaskar—59,671 (P.S.P.).

(b) Namdas—24,173 (Republican).

(c) Nandlal Sharma—39,798 (R.R.P.).

The total number of rejected votes were 13,651. The total number of votes validly polled, 2,12,181 (*Vide* Ex. A.II).

Being aggrieved by the said Election, the Petitioner files this Election Petition:—

5. (a) That in the texture of the Durg Parliamentary Constituency there are very many Harijan (Satnami) voters who are not normally amenable to the influence of Satnami Head of Chhattisgarh Division and mostly, subscribed to the Republican creed. As such, it was almost positive that these votes might have in all certainty gone to the Petitioner. They could not go to Ram-Rajya candidate, the respondent No. 3 Respondent No. 1, therefore, sensing this position managed to set up a Harijan candidate from the Republican Party who could cut down the votes of the Petitioner from Satnami Community. He, therefore, through his Congress workers and his agents, made Namdas stand so that he might

reduce the number of votes likely to be obtained by the Petitioner from Republican Satnamis and promised that he i.e., respondent No. 1, would do some good turn at Bhilal Steel Project either for service or for Mining contract. Namdas, thus, contested as a candidate of the Republican Party and secured 24,173.

5. (a) (2). That Namdas never for once stood in the Constituency, nor did he meet people of the Constituency, nor did he advertise his candidature in the Constituency. He had come only to fill in the form, and thereafter, he never took any interest in the election. He was, therefore, a dummy set up by respondent No. 1 to divide the Petitioner's votes. Namdas, respondent No. 2, had also stood from Arang Constituency in the Raipur District.

5. (a) (3). That the respondent No. 1, through his agent Shri Ram Narayan Purohit, the permanent Secretary, Madhya Pradesh Congress Committee, Bhopal, got one pamphlet published in the Shree Press of Bhopal purporting to be addressed from Pandit Jawaharlal Nehru to Shri Mohanlalji Bakliwal, respondent No. 1. It is Ex. *AIII.

5. (a) (4). That the respondent No. 1, Mohanlal Bakliwal not being satisfied with the leaflet containing the blessings of Pandit Jawaharlal Nehru, got another pamphlet published from Laxmi Press, Raipur, through the same agency i.e., Shri Ram Narayan Purohit, permanent Secretary of Madhya Pradesh Congress Committee Bhopal, purporting to be from the "Pradhan Mantri, Pandit Jawaharlal Nehru". It purported to bear the date 19th February 1962.

5. (a) (5). That the Durg Municipal Urban area and the entire Bhilai area was comprised in Durg Parliamentary Constituency. The speech of Pandit Jawaharlal Nehru delivered on 14th February 1962, did not have had the desired effect on the electors in the Parliamentary Constituency. The respondent No. 1, therefore, got the alleged blessing and sent the same by special men to the majority of the voters in the Constituency. But he realised that the first appeal will not have had the desired effect specially on the Government servants of Durg District and Bhilai Steel Project area. Therefore, another appeal purporting to be from the Pradhan Mantri, Pandit Jawaharlal Nehru, was also distributed in the Constituency, which the Petitioner humbly submits, did materially affect the result of the Petitioner's election and had the effect of dissuading the voters both Government servants and other voters from voting for the Petitioner to the great extent.

5. (a) (6). That the respondent No. 1 in making Namdas, respondent No. 2, stand for the Parliamentary Seat and the distribution of the leaflets alleged to have been signed by the Prime Minister of India, Pandit Jawaharlal Nehru, did cause enough mischief and materially cut down the votes of the Petitioner. Respondent No. 1 reduced the votes of the Petitioner by 24,173 by these methods. The result, was that the Petitioner was defeated in the election and got only 59,871 votes.

5. (a) (7). That the blessings of Pandit Jawaharlal Nehru and the blessings of Prime Minister, Pandit Jawaharlal Nehru, are Ex. *A.3 and Ex. *A.4 respectively. They are filed with the petition.

6. That the Petitioner has been in public life for the last 30 years and represented M.P. Legislative Assembly in the years 1937-38. In the first general election of 1952, he was elected as a M.L.A. from Bemetara Constituency, and in the year 1957 election, he was elected as a M.L.A. from Durg Legislative Assembly Constituency in the Madhya Pradesh.

7. That the Petitioner had been functioning as a *Defacto* Leader of the opposition in the New State of M.P. Legislative Assembly at Bhopal.

8. That the petitioner fought the election on the Praja Socialist Party ticket, the respondent No. 1 who has been declared elected for the Durg Parliamentary Seat, has entrusted with the task of fighting the prestige seat of Durg Parliamentary Constituency on congress ticket. The main plank of attack of the Petitioner against the congress candidate has been that, that organisation has obliterated the distinction between the Government and the Congress Party.

9. That the Petitioner could have been declared elected, but for the corrupt practice committed by the respondent No. 1, and his party-men and his agents with his consent. The agent is Shri Dhanraj Deshlahara.

10. That the election of the respondent No. 1 as duly elected Member for the Durg Parliamentary Constituency is liable to be declared void and set aside and

the Petitioner is entitled to be declared to be elected for the self-same Constituency, on the following facts and grounds:—

GROUND

(i) That the respondent No. 1 circulated the leaflet (*Ex. A.3), purporting to be sent by Pandit Jawaharlal Nehru on 19th February 1962. It contained the heading "the blessings of Jawaharlal Nehru" to Shri Mohonlal Bakliwal, the congress candidate from Durg Parliamentary Constituency. In the body, it mentioned that "I hope that the electors should vote for respondent No. 1, Mohonlal Bakliwal and would make him successful. The leaflet was distributed amongst the electors by the Provincial Congress Committee and also by the Election Organisers of the Durg District Congress Committee.

(ii) That yet another pamphlet was distributed on 22nd February 1962 at Durg and Bhilai purporting to be signed by Pandit Jawaharlal Nehru with his blessings qua Prime Minister to the respondent No. 1 Mohonlal Bakliwal, the Parliamentary candidate from Durg Constituency, containing exactly the same words as in Ex. A.3. This pamphlet is *Ex.A.4. It was directive to the electors and more particularly, to the Government servants that the respondent No. 1, Mohonlal Bakliwal must be made successful.

(iii) That the Petitioner does not vouchsafe about the genuineness of the originals of the leaflets being at all signed by Pandit Jawaharlal Nehru. But assuming that it has been done, the use of the words "Pradhan Mantri" in the leaflet amounts to use of national symbol or emblem at the election in favour of the respondent No. 1 for furtherance of the prospects of the election of the respondent No. 1 and for prejudicing the prospects of election of the Petitioner. It also amounts to undue influence on the electorates.

(iv) That the Petitioner asserts that the use of the national symbol i.e., the words "Pradhan Mantri" and the name of Pandit Jawaharlal Nehru amounts to corrupt practice committed by the respondent No. 1 and also by his agents with his consent.

(v) That this conduct of the respondent No. 1 and his agents is nothing short of corrupt practice. It is a flagrant and highly objectionable form of use of national symbol or emblem. The use of expression "Prime Minister" is use of National Symbol. The entire Nation claims to have a Prime Minister in the democratic form of Government. Prime Minister is, therefore, a National Symbol; it is just like use of Government machinery in favour of a particular candidate. The use of prefix "Prime Minister" has been deliberately made to hoodwink the mass of suborned Government servants and law abiding mass of electors into submission and feeling that some kind of Government farman is issued to which they had to pay a homage.

(vi) That the Constitution of India requires the allegiance to it through the National Symbol, such as, President of India, Prime Minister of India and the like. The misuse of the National Symbol, such as the name of the Prime Minister has been to create subservience in the minds of the electors in the Constituency who are Government servants, pensioners, and other law-abiding electors, the like. Pandit Jawaharlal is not the head of the Congress, but is the head of the Government of India.

(vii) That the result of the election has been materially affected as a result of the corrupt practice committed by the respondent No. 1 and his agents in getting the leaflets (*Ex. A.3 and A.4) mentioned above published through the Congress Agency and printed in Shree Press, Bhopal and Laxmi Press, Raipur respectively.

11. That, but for this publication, the Petitioner would have easily succeeded.

(a) That if the respondent No. 1 had not made respondent No. 2, Namdas stand as a candidate for this Parliamentary Constituency Seat on the promise that he would get him good position in Bhilai, the Petitioner would also have easily succeeded. This corrupt practice is hit by section 123 (I-A)(b) sub-section (i) of the representation of People Act, 1951.

(b) That the result of the election being materially affected by the leaflets and the candidature of Namdas, respondent No. 2 at the instance of respondent No. 1; the election of respondent No. 1 is liable to be

declared void and set aside under section 100(1)(d)(II) of the Representation of People's Act, if not under section 100(1)(b) of the same Act.

- (c) That the Petitioner has herewith filed documents *Ex.A.3 and *Ex.A.4 published on the 19th February 1962 mentioned above, and alleged to be signed by Pandit Jawaharlal Nehru and Prime Minister Pandit Jawaharlal Nehru which, according to the Petitioner, is a corrupt practice vitiating the election of the respondent No. 1. The details of the said document are given as particular duly verified and filed as Ex.A.3 and A.4. They be treated as forming part of the Petition. The other documents also filed along with the Petition be treated as forming part of this Petition.

12. That the Petitioner had deposited a sum of Rs. 2000/- as security for the cost as per receipt showing that the amount has been deposited at Durg, on 12th April 1962 in favour of the Secretary, Election Commission of India, as security for costs of the election Petition as required by section 117 of the Representation of People Act, 1951.

13. That the Petitioner is filing requisite number of copies of this Petition, he has also filed the documents as per list.

It is, therefore, prayed that the election of respondent No. 1 as duly elected Member of House of People for Durg Parliamentary Constituency No. 19 from M.P., declared by the Returning Officer, Durg, on 28th February 1962, be declared void and set aside.

(ii) That the Petitioner be declared instead as duly elected Member of the "House of People" from Durg Parliamentary Constituency No. 19, in M.P., as being the only duly nominated candidate, who has not committed any corrupt practice.

(iii) That the declaration be given under section 101 of the Representation of People's Act, 1951.

(vi) That the costs of the Petitioner be awarded against the respondent No. 1.

(v) That any other relief which may be deemed just and proper, may also kindly be granted.

VISHWANATH YADAV TAMASKAR,
Petitioner.

VERIFICATION

I, Vishwanath Yadav Tamaskar, the Petitioner, do hereby verify that the allegations made in paras 1, 2, 3, 4, 5, 5(A)(7), 6, 7, 8, 12, 13, are true to my personal knowledge and those of paras 5(a)(1), 5(A)(2), 5(A)(3), 5(A)(4), 5(A)(5), 5(A)(6), 9, 10(i) to 10(vii), 11(a)(b)(c) are true according to the information received by me and believed to be true. Verified and signed on this 12th day of April 1962, at Durg.

VISHWANATH YADAV TAMASKAR,
Petitioner.

PARTICULARS OF CORRUPT PRACTICE

1. Making Namdar stand as a candidate for the Durg Parliamentary Constituency No. 19, under a promise by respondent No. 1.

2. Publication of a leaflet published by Shree Press, Bhopal, Ram Narayan Purohit, Permanent Secretary of the M.P., Provincial Congress Committee, at Bhopal, purporting to be blessings of Pandit Jawaharlal Nehru to Shri Mohanlal Bakliwal, respondent No. 1.

3. The publication of a leaflet published by Shri Ramnarayan Purohit, Permanent Secretary, M.P., Provincial Congress Committee, at Laxmi Press, Raipur, purporting to be blessings of the Prime Minister, Pandit Jawaharlal Nehru to Shri Mohanlal Bakliwal, respondent No. 1.

VISHWANATH YADAV TAMASKAR,

VERIFICATION

I, V. Y. Tamaskar, do hereby verify that the above particulars are true to my information had, and believed by me to be true. Signed this 12th day of April 1962, at Durg.

VISHWANATH YADAV TAMASKAR.

[No. 82/321/62.]

S.O. 1383.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 322 of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Shri Om Prakash, son of Pandit Ram Sarup, 15—Dewan Hall, Chandni Chowk, Delhi, calling in question the election to the House of the People from the Bhopal constituency of that House of Shrimati Maimuna Sultan, near Fire Brigade, Bhopal, Madhya Pradesh.

BEFORE THE ELECTION COMMISSION, NEW DELHI

ELECTION PETITION No. 322 OF 1962

Shri Om Prakash s/o Pt. Ram Sarup, 15-Dewan Hall, Chandni Chowk, Delhi—*Petitioner.*

Versus

Mst. Maimuna Sultana, M.P., near Fire Brigade, Bhopal, Madhya Pradesh (Returned candidate)—*Respondent.*

Election petition under S. 81, Representation of the People Act calling in question the election of the respondent to the House of the People (Lok Sabha) from the Bhopal Lok Sabha Constituency No. , at the general elections held in February, 1962.

The petitioner states as follows:—

(1) The general elections to the House of the People took place in February / March, 1962, in pursuance of a notification issued by the President of India under S. 14, Representation of the People Act, 1951, for the purpose of constituting a new House on the expiration of the duration of the existing House.

(2) The Bhopal Parliamentary Constituency No. in Madhya Pradesh consisted of five Madhya Pradesh Assembly constituencies, namely, Sanchi, Budhni, Ashta Bairasia, Bareilly, Bhopal, Naya Bhopal and Sehore.

(3) The Election Commission, acting under S 30, Representation of the People Act, 1951, by notification in the official gazette issued the following election programme.

- (a) 20-1-1962, the last date for making nominations,
- (b) 22-1-62, the date for scrutiny of nomination papers,
- (c) 25-1-62, the last date for withdrawal of candidatures,
- (d) 19-2-62, the date of poll for Sanchi Assembly Constituency area.
- 21-2-62, the date of poll for Budhni, Ashta, Bairasia,
- 23-2-62, the date of poll for Bareilly,
- 25-2-62, the date of poll for Bhopal, Naya Bhopal and Sehore.

(4) The parties to the petition and three other persons, namely, Kumari Mohini Devi, Shri Mahipal Pathak and Shri Shiv Charan were declared to be contesting candidates and a poll became necessary.

(5) The petitioner was a candidate for the Hindu Maha Sabha, the respondent for the Congress and Shrimati Mohini Devi for the Communist Party of India, Shri Mahipal Pathak for Bharatiya Jan Sangh and Shri Shiva Charan an independent candidate; and they were allotted symbols i.e. Horse and Rider, Two bullocks with yoke on, ears of corn and sickle, Lamp and Lion respectively.

(6) The poll took place on the appointed dates at the various polling stations, the counting of votes took place on the 27th of February, 1962 of Sanchi Assembly Constituency at Raisen, on the 28th February, 1962 of Bareilly Assembly Constituency at Raisen, on the 26th February, 1962 of Bairasia and Budhni

Assembly Constituencies at Sehore, on the 27th of February, 1962 of Ashta and Sehore Assembly Constituencies at Sehore and of Bhopal and Naya Bhopal Assembly Constituencies at Sehore.

(7) According to the declaration of results announced on the 28th February, 1962, the particulars about voting for the Constituency are these:—

Total Electorate	5,18,346
Total Votes for Polling Stations	2,36,088
Rejected votes	8,796
Valid votes	2,27,292
Om Prakash	63,898
Mahipal	38,211
Maimoona Sultana	83,204
Mohini	34,010
Shivcharan	7,969

and the respondent No. 1 was declared as elected.

(8) The respondent No. 1 has been guilty of the corrupt practices of undue influence [S. 123(2)], Appeal on the ground of religion [S. 123(3)], the publication of a false statement of fact in relation to the personal character of the petitioner and in relation to his candidature [S. 123(4)] and the hiring or procuring of vehicles for the conveyance of voters [S. 123(5)].

(9) Particulars of the corrupt practice of undue influence are stated below:—

The respondent's husband, Mr. Muftaba, is the Executive Officer of the Municipal Board, Bhopal and held that post during the period of the election. By virtue of his position, he was able to exercise, and actually exercised, undue influence on voters by showing or promising to show favour to them or by holding out threats of various kinds to take action against others.

He authorised his overseers to pay a sum of Rs. 60,000 towards payment of outstanding bills of or as advances to contractors of the Board to influence their votes and to persuade them to canvass for the respondent amongst their employees and labour force. This was done contrary to rules without the requisite previous sanction of the Board by a resolution.

Certain unauthorised persons, the poorer folk, had been in occupation by squatting without any permission or authority on land belonging to the Board, near Gumbux Talaiya. Proceedings for their dispossession had been taken earlier but had been dropped or kept in abeyance. On the eve of the elections, fresh notices were issued and action thereon was suspended after the respondent's husband acting through members of his subordinate staff, had successfully influenced the votes of those poorer folk.

In doing all these acts and engaging in all these activities he, Mr. Muftaba, acted with the consent of the respondent and as her agent.

(10) A poster (*Annexure A) was published and widely distributed amongst the electorate on the eve of the election in open places and at meetings held to further the respondent's election in various parts of the Constituency with the consent and at the instance of Shri Amarchand Rohilla election agent of the respondent.

The said poster purports to have been published by one Shaikat Bhopali who acted as the respondent's agent and active supporter during the election. He had been seen actively canvassing for her and he invariably always attended and addressed public meetings convened for or on behalf of the respondent's election.

The said poster was intensively distributed at a Congress election meeting held on 23rd February, 1962 at about 8 or 9 P.M. in Motia Park, Subzimandi, Bhopal City, which was attended and addressed by important Congress workers. Dr. Shanker Dial, then Education Minister of Madhya Pradesh State and Shri Govind Sahai may be particularly mentioned. Dr. Shanker Dial had engaged himself in active campaign to support the respondent's candidature as her agent and canvasser throughout the period of election.

The said poster in so far as it criticises the Communists as denying God, the holy prophets, the day of resurrection, etc., is an appeal on the ground of religion. References to verses from Muslim holy scriptures lend the appeal a religious halo. It contains a direct appeal to withhold all contact, co-operation and support on the ground of religion.

The said poster was issued, published and distributed by and with the consent of the respondent's election agent for the furtherance of the prospects of the election of the respondent. The circumstances outlined here prove the commission of the corrupt practices of undue influence and appeal on the ground of religion.

(11) (a) Dr. Shankar Dial Sharma, Education Minister, agent and a great and active supporter of the respondent, with the consent of the respondent, indulged in publication, through speeches in public meetings, of false statements of facts which he either believed to be false or did not believe to be true in relation to the personal character of the petitioner and in relation to the candidature, bel-- a statement calculated to prejudice the prospects of the candidate's election.

In public meetings held at Station Bajaria, Bhopal, on the 20th February, 1962 on 21st February, 1962 at Mangalvara, Bajaria and Shahjahanabad, Bhopal, and on 23rd February, 1962 at Imami Gate, Dr. Shankar Dial in his speeches repeatedly made the following statement:—

"The Petitioner has entered into a secret and unholy conspiracy with the Communist candidate for Bhopal Assembly seat. Shakir Ali and Communist Candidate Mohini Devi have been set up as candidates to Parliament for dividing Muslim votes, and making Petitioner's election safe. As a part of this conspiracy, the Petitioner bullied and threatened Shri Udhavdas Mehta, Hindu Sabha leader of Bhopal and coerced him to contest election from Bhopal Assembly Constituency as a dummy of the Communist Candidate to the Assembly."

(b) The Congress Party issued a poster, Bulletin No. 10, 'Bhopal Chunao Darpan' (Reflection of Bhopal election in the mirror) (Annexure B). It was issued to further the prospects of Congress candidates for the Assembly and Parliamentary seats from the Bhopal area at their instance and with their consent. This bulletin was circulated amongst the electorate at the instance of the respondent's election agent by her workers and other ordinary persons available on ordinary wages. The pamphlet was distributed in public meetings held on the 20th February, 1962, 21st February, 1962 and 23rd February, 1962 held at Station Bajariya, Mangalwara, Bajaria and Imamigate, Bhopal respectively by Prithviraj, Radheshyam, Ram Kishan.

The said bulletin contains false aspersions on the personal character of the petitioner by imputing dishonourable conduct to him. It is also false in relation to his candidature in referring to an unholy pact between the Communists and the Hindu Mahasabha candidates. Its publication was calculated to prejudice and it actually prejudiced the election prospects of the petitioner.

(c) In engaging all the aforesaid activities and other activities of similar nature, Dr. Shankar Dial on account of his connections with Bhopal Constituency acted as the agent of the respondent. Alternatively he was certainly a person who engaged in these activities with the consent and approval of the Respondent.

(12) Particulars about the corrupt practice of hiring vehicles for the conveyance of voters:

- (1) Truck No. M.P.B. 4004 was procured to carry voters from village Babai to Amravat polling station and from village Barba to Bari Khurd polling station on 23rd February, 1962, during and before the polling hours. Name of the proprietor: Badri Prasad s/o Mundri Lal of Badi.
- (2) Lady voters of Bairagarh Kalan were carried back to their village in a bus arranged by Congress Workers at 4-00 P.M.
- (3) On 25th February, Congress candidate and his agent used the following vehicles for bringing their voters at polling stations at Bairagarh.

M.P.B. 3673
M.P.B. 3007
M.P.B. 2810
M.P.B. 159
M.P.B. 1536
M.P.B. 2638
M.P.B. 3746
M.P.B. 1948
M.P.B. 1548
M.P.B. 1524
M.P.B. 4575
M.P.B. 1195
M.P.B. 2783

Protest against this was made to the presiding Officers on the polling day giving the number of vehicles.

(13) The said election of the respondent is liable to be declared void on account of the Commission of corrupt practices mentioned in paragraphs (8) to (12).

(14) Bhopal Treasury Receipt No. 3, dated 9th April, 1962, relating to the deposit of two thousand rupees as security for costs of the petition to satisfy the requirements of S. 117, Representation of People Act, 1951 is attached herewith.

(15) An affidavit in form 25, required by R. 94-A, Conduct of Election Rules, 1961, relating to the allegations of corrupt practice is also attached herewith.

(16) The petitioner was a contesting candidate at the election and is entitled to present and maintain this election petition.

(17) It is, therefore, prayed (1) that the election of the respondent to the House of the People from Bhopal Parliamentary Constituency No. at the general elections held in February, 1962 may be declared void, (2) that election against Shri Amar Chand Rohilla, respondent's election agent, and Dr. Shanker Dial, above mentioned, may be taken under S. 99, Representation of the People Act, 1951 and appropriate orders passed, and (3) costs of the petition may be awarded against the respondent.

(18) The result of election, declaring the respondent to be duly elected was announced by the returning officer on 28th February, 1962. The last day of limitation falls on 14th April, 1962. That day and 15th April, 1962 are public holidays on which the office of the Election Commission is closed. It is presented on 16th April, 1962 and is within limitation in view of S. 10, General Clauses Act.

Your humble petitioner,
(Sd.) OM PRAKASH,
12-4-62

VERIFICATION

Verified that the contents of clauses (1) to (7) and (14) to (16) are correct to the best of my knowledge and clauses (8) to (15) and (17) are correct to the best of my belief, this 12th day of April, 1962 at Delhi.

Attested to be true copy.

(Sd.) OM PRAKASH.

12-4-62.

[No. 82/322/62.]

New Delhi, the 5th May 1962

S.O. 1384.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 318 of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Shri Rilli Chamar son of Shri Sunne Chamar, resident of Ward No. 6, Naraiya Muhal, Tikamgarh, calling in question the election to the House of the People from the Tikamgarh constituency of that House of Shri Kure Mate son of Shri Adku, Resident of Chamrola, District Tikamgarh.

ELECTION COMMISSION, INDIA. NEW DELHI.

ELECTION PETITION No. 318, 1962.

Under Section 81, of the Representation of the People Act, 1951.

Rilli Chamar s/o, Sunne Chamar, aged 33 years Ward No. 6 Naraiya Muhal, Tikamgarh (M.P.).—*Petitioner.*

Vs.

Kure Mate s/o. Shri Adku r/o Chamrola District Tikamgarh (M.P.).—*Respondent.*

The humble Petition of the above named Petitioner respectfully sheweth as follows:—

1. That, it having been decided to hold a General Election for the purpose of Constituting a New House of the People on the expiration of the duration of the

then existing House, the President by notification published in the "Gazette of India" on the 30th January, 1962, was pleased to call upon all Parliamentary Constituencies (other than those within the States of Kerala and Punjab and the Union Territories of Delhi and Himachal Pradesh) in pursuance of the provisions contained in Sub-Section (2) of Section 14 of the Representation of the People Act, 1951, to elect Members in accordance with the provision of the said Act, and the Rules made thereunder:—

2. That in the State of Madhya Pradesh, Tikamgarh is a (Reserved Scheduled Caste) Parliamentary Constituency No. 5.

3. That the Election Commission by Notification published in the Official Gazette dated the 13th January, 1962, in exercise of the powers conferred by Section 30, of the Representation of the People Act, 1951, appointed;

- (a) the 20th January, 1962, as the last date for making nominations;
- (b) the 22nd January, 1962, as the last date for the scrutiny of the nominations;
- (c) the 25th January, 1962, as the last date for the withdrawal of Candidatures; and
- (d) the 31st March, 1962, as the last date before which the Election was to be completed;

And with respect for the Election by Tikamgarh (Reserved Scheduled Caste) Parliamentary Constituency No. 5, February, 20th, 21st, 22nd and 24th as the last date for taking the Polls in different Legislative Assembly Constituencies comprised within the said Parliamentary Constituency.

4. That the Petitioner is and was at all material times an Elector enrolled as Serial No. 434, of the Electoral Roll 1961, relating to Tikamgarh Assembly Constituency which forms part of Tikamgarh Parliamentary Constituency.

5. That the Petitioner is a Member of Chamar Caste which is a Scheduled Caste in relation to the Districts of Datia, Tikamgarh, Chhatarpur, Panna, Satna, Rewa, Sidhi and Sahdol of the State of Madhya Pradesh.

6. That the Petitioner is and was at all material times fully qualified to be chosen to fill a reserved Scheduled Caste Seat in the House of the People as provided in the Representation of the People Act, 1951.

7. That in exercise of the powers conferred by Section 21 of the Representation of the People Act, 1951, the Election Commission appointed the Collector, Tikamgarh as the Returning Officer of the said Constituency.

8. That the Petitioner delivered and caused to be delivered according to the provisions of Section 33, of the Representation of the People Act, 1951, three nomination papers on the 18th and 20th January, 1962, the Returning Officer for the Tikamgarh Parliamentary Constituency duly filled in and completed in the prescribed Form and signed by the Petitioner and by the Electors of the Constituency as proposers.

The Petitioner also made a declaration in all of his nomination papers that he is a member of Chamar Caste which is a Scheduled Caste in relation to the Districts of Datia, Tikamgarh, Chhatarpur, Panna, Satna, Rewa, Sidhi and Sahdol of the State of Madhya Pradesh.

9. That the petitioner had also deposited Rs. 250 in cash on 18th January, 1962, with the Returning Officer for Tikamgarh Parliamentary Constituency.

10. That besides the Petitioner, the Respondent and five others namely, Kamoda, Balram Das, Ghanshyam, Bhaiva Lal and Ram Deen had also presented their nomination papers to the Returning Officer, Tikamgarh, Shri, Balram Das Chamar was the recognised Candidate of the Congress Party and the Petitioner was also a Candidate of the said Party.

11. That on the 22nd January, 1962, the said Shri Kamoda Chamar, made an Application to the Returning Officer supported by an Affidavit that the said Shri, Balram Das belonged to Jatav Caste which he had not mentioned in his declaration for being a Member of Scheduled Caste and that Jatav Caste was a separate Caste which was not a Scheduled Caste for Tikamgarh, Datia, Chhatarpur, Panna, Satna, Rewa, Sidhi and Sahdol Districts of the State of Madhya Pradesh and that Balram Das had concealed his own Caste Jatav

12. That the Returning Officer heard the Counsel of Shri Balram Das and Kamoda Chamar. On behalf of Shri Balram Das it was stated before the Returning Officer that the Balram Das was a Chamar by Caste in the Area concerned.

13. That the learned Returning Officer held that Jatav was regarded as District Sub-Caste of Chamar but it has not been included in the list of Scheduled Caste for the Districts of Former Vindhya Pradesh Region and that the alternative mentioned in the list were exhaustive.

He further held that the Scheduled Caste as listed in the President's Order must be related to the Geographical Area in which the person resided. Outside that Area he could not be recognised as a member of any Scheduled Caste.

14. That the learned Returning Officer did not consider the decision of an Election Tribunal holding that it was based on the Schedule of a different Order. He also did not give any weight to a Caste Certificate of the Collector Chhatarpur dated the 20th June, 1956, issued to Shri Balram Das to the effect that he belonged to Scheduled Caste of the District recognised as Scheduled Caste in the Constitution (Scheduled Caste) Order 1950, (Part C. State) Order 1951.

15. That the learned Returning Officer rejected the nomination papers of Shri Balaram Das and he declared the Petitioner, the Respondent and Shri Kamoda and Bhaiya Lal and Ram Deen as Validly nominated Candidates for the Election.

16. That Shri Bhaiya Lal and Shri Ram Deen withdrew their Candidatures on the 25th January, 1962, and the Petitioner the Respondent and Kamoda were declared as the contesting Candidates for the said Election.

17. That Polls for the said Election were held on the notified dates and as a result of the Election the Respondent was declared elected as a member of the House of the People for the said Constituency.

18. That the total number of Voters for the Election was 450501, out of which 221529 valid Votes were Polled and 14968 Votes were rejected. The Respondent obtained 97647 Votes Shri Kamoda obtained 66359 Votes and the Petitioner got 57555 Votes.

19. That the Petitioner submits that the Election of the Respondent is void under Section 100 (1) (C) of the Representation of the People Act, 1951, and files this Petition challenging the validity of the Election on the following grounds:—

- (a) Because Shri Balram Das belonged to the Chamar Caste which is a Scheduled Caste in the District of Datia, Tikamgarh, Chhatarpur, Panna, Satna, Rewa, Sidhi and Sahdol.
- (b) Because at Nowgong within the District of Chhatarpur the place at which Shri Balram Das resides, Jatav is not a separate Caste from the Caste of Chamar. The terms Jatav and Chamar are synonymous included in the Chamar Caste in the Area.
- (c) Because Shri Balram Das did not belong to any Jatav Caste known as separate and distinct Caste from the Chamar Caste in the Area.
- (d) Because the nomination papers of Shri Balram Das had been improperly rejected.
- (e) Because the Returning Officer was not competent to hold an enquiry about actual Caste of Shri Balram Das and he ought to have accepted the declaration made by him in the nomination papers as correct. Shri Balram Das had completed the nomination in the prescribed Form and such Order of the Returning Officer rejecting the nomination paper of Shri Balram Das was in excess of his jurisdiction.
- (f) Because the nomination paper of Ghanshyam was also improperly rejected.
- (g) Because on the date of his Election the Respondent was disqualified for membership of Parliament as there subsisted a Contract entered into in the Course of his Trade or Business by him with the P.W.D. Irrigation Department Madhya Pradesh Government for the execution of the work undertaken by the Government for the Construction of the Hira Nagar Bawri Tank Agreement No. 16, 17, and 18, of 1959 to 1960.

- (h) Because the nomination paper of the Respondent was improperly accepted which materially effected the Election of the Respondent.
- (i) Because the Respondent and his Agents induced the Electors of the Constituency to Vote for the Respondent on the basis of Communalism committing the corrupt practice of undue influence which prevailed throughout the constituency some of the particulars are set forth in Annexure thereto.
- (j) Because the Respondent and his Agents and supporters induced the Electors to Vote for Respondent on the promise of providing services and lands for them.
- (k) Because the Respondent, his Agents and supporters procured persons who were not Electors to Vote for the Respondent and thus improper Votes were received which materially affect the Election of the Respondent.
- (l) Because at Chandera Polling Station in the Lidhura Assembly Constituency some Voters were not allowed to Vote and had to go away whereafter some others Voters were allowed to Vote and thus Votes were refused which materially affects the Election of the Respondent which materially affects the Election of the Respondent.
- (m) Because wide spread undue influence prevailed throughout the area of the Tikamgarh, Jatawa, Lidhaura Legislative Assembly Constituencies within the Parliamentary Constituency and the Respondent obtained Votes by undue influence which materially affect the Election of the Respondent.
- (n) Because the respondent, his Agents and supporters requested the electors to vote or refrain from voting on communal grounds.
- (o) Because the respondent, his Agents and supporters procured the assistance for the furtherance of the prospects of the election of the respondent of persons in service of the Government, namely Patwaries and Chawkidars and other Police Officers.

PRAYER

20. It is therefore prayed that the election of the Respondent be declared void with costs.

Tikamgarh.

Petitioner.

Dated 11th April, 1962.

(RILLI S/o. SUNNE CHARMKAR,
Naraiya Mohalla, Tikamgarh).

VERIFICATION

I Rilli S/o. Sunne R/o. Tikamgarh, this day the 11th April, 1962, at Tikamgarh verify that the contents of the petition para 1 to 20 and the particulars para 1 to 7 annexed thereto have been written at my instructions and are true to my personal knowledge and on information received from my Agents and supporters, which I believe to be true.

Tikamgarh.

Dated 11th April, 1962.

RILLI CHARMKAR,

PARTICULARS OF CORRUPT PRACTICES

1. That Shri Laxmi Narayan Naik Candidate for Legislative Assembly for the P.S.P. from Lidhaura Assembly Constituency with others of his Party as the Agents and Supporters of the Respondents got Pamphlets published copy of which attached to the effect to Appeal to Aherwar Chamars to vote for the Respondent on the Communal basis.

2. That Shri Parwat Aherwar Sub-Inspector of Mohan Garh in the Lidhaura Legislative Assembly Constituency terrorised Congress Voters by taking away the Flag of the Party fixed outside the Booth and threatened them.

3. That at Lidhaura Balaji Lodhi and his party people in the Lidhaura Assembly Constituency picked quarrels with the Voters of the Congress party and beat them and similar things were done by Prakash Chandra Jain at Chandra and Babu Lal Chaubey at Digora Polling Station.

These people obstructed the peaceful Meetings and canvassing of the Congress Party and caused widespread undue influence to prevail throughout.

4. That Panna Lal Patwari Petpura and Dundi Alias Kamtua Chowkidar of Nadanwara canvassed for the Respondent in their Polling Stations at the time of the Election at the instance of the Respondent, his Agents and supporters.

5. That Munna Lal Naik a Polling Officer of Bamhauri Polling Station, openly canvassed for the Respondent at the instance of the Respondent his Agents and Supporters inside the Polling Booth.

6. That Raghraya Khakron Bari who was a Voter died before the Election and Karan Singh caused his wife Chipri Bari to Vote in place of Raghraya.

7. That Harprasad alias Halkay of Lahurgawan Hanumat Singh Jaron of the same Village canvassed in the Polling Booth at Lahurgawan at the Election for the Respondent at the instance of the Respondent, and his Agents and supporters.

RILLI CHARMKAR.

VERIFICATION.

I Rilli S/o. Sunne R/o. Tikamgarh, this day the 11th April, 1962, at Tikamgarh verify that the contents of the particulars, para 1 to 7 have been written at my instructions and are true to my personal knowledge and on the information received from my Agents and supporters, which I believe to be true.

RILLI CHARMKAR.

[No. 82/318/62.]

S.O. 1385.—In pursuance of the provisions of sub-section (i) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 258 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Khubchand Baghel, S/o Shri Judawan Singh, Resident of Tatyapara, Raipur, District Raipur, Madhya Pradesh, calling in question the election to the House of the People from the Mahasamund constituency of that House of Shri Vidyacharan Shukla, S/o Pandit Ravishanker Shukla, Resident of Budhapara, Raipur, District Raipur, Madhya Pradesh.

TO

THE ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION No. 258 of 1962.

Shri Khubchand Baghel s/o Shree Judawan Singh r/o Tatyapara, Raipur, District Raipur, M.P. Petitioner.

VERSUS

1. Shree Vidyacharan Shukla s/o Pandit Ravishanker Shukla, r/o Budhapara, Raipur, Dist. Raipur M.P.

2. Shree Indradeo Tandon s/o Sira Singh resident of Village: Jhara, P.O. Khallari, Tahsil Mahasamund, Distt. Raipur M.P.

3. Shree Dharmjit Singh s/o Tribhuwan Singh r/o Sarangarh, District Raigarh, M.P.

4. Shree Ramsingh s/o Ganesh Ram, r/o Lalpur P.O. Bagbahara, Tehsil Mahasamund, Dist. Raipur M.P.

PETITION UNDER SECTION 80 and 83 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 calling in question the election of MAHASAMUND LOK SABHA CONSTITUENCY from the State of Madhya Pradesh.

The Petitioner named above submits as under:—

1. The petitioner and the four respondents were contesting candidates for the Lok Sabha from the Mahasamund Lok Sabha Constituency of the State of M.P. in the last general elections.

2. As a result of the Poll the respondent No. 1 namely, Shree Vidyacharan Shukla was declared elected to the Lok Sabha from the aforesaid Constituency on 27th February 1962.

3. The total number of votes polled by the respective candidates is given below:—

- Shree Vidyacharan Shukla (Respondent 1)—56,664.
- Shree Khubchand Baghel (Petitioner)—53,872.
- Shree Dharmjeet Singh (Respondent No. 3)—23,889.
- Shree Rainsingh (Respondent No. 4)—14,532.
- Shree Indradeo Tandon (Respondent No. 2)—9,138.

4. In the aforesaid election the Petitioner represented the Praja Socialist Party, the Respondent No. 1 represented the Congress Party, the Respondent No. 3 represented the Ram-Rajya Parishad, the Respondent No. 4 represented the Jan Sangh and Respondent No. 2 represented the Republic Party.

5. The respondent No. 1 to prejudice the prospects of the petitioner's election published in the name of Shree Tikamchand Jain a pamphlet, in Hindi, marked herewith as ANNEXURE-I.* The respondent No. 1 himself as also his agents and workers with his consent distributed the said pamphlet in the whole Constituency between the 16th and 23rd February 1962.

6. Shree Tikamchand Jain in whose name the said pamphlet was published is Secretary of Mandal Congress Committee, Mahasamund, and was an important agent and worker of Respondent No. 1. The pamphlet was published in the name of Shree Jain with full consent and knowledge of Respondent No. 1. In effect it was a publication by Respondent No. 1 in the name of Shree Tikamchand Jain.

7. The said pamphlet in the last two paras contains statement of facts relating to the personal character and conduct of petitioner. In particular, the pamphlet states:—

Translated from Hindi.

- (i) "Shree Khubchand Baghel for his own ends levelled false and filthy charges against respected and honoured leader (late Pandit Ravi Shanker Shukla) which were published from time to time in the Blitz, a newspaper of Communist Party. During the course of proceedings for defamation when occasion arose for proving the charges Shree Baghel backed out and the Newspaper Blitz on 26th of January 1962, the Republic day, publicly and unconditionally apologised for publishing false and deceitful charges made by this leader. But Shree Baghel is habitual in such conduct and he knows that his political status is based on such groundless foundation.
- (ii) "Shree Khubchand Baghel was President of the Reception Committee of Betul Praja Socialist Party Conference. Shree Khubchand Baghel has not yet furnished account of Rs. 16,000 which were raised as subscription for the conference although the reception committee has been repeatedly demanding the accounts. Where has this money gone? Having known these facts you (Voters) can yourself decide as to how far such unscrupulous leader and party can benefit you or the constituency.

8. It is entirely false that the petitioner levelled any charges or made any allegations regarding Pandit Ravishanker Shukla which were published in the Blitz. The Blitz in its issue dated 20th July 1957 published certain allegations against pandit Ravishanker Shukla which were reported to have been made by Dr. Ram Manohar Lohia, the Socialist Leader in one of his speeches made in the First week of July 1957 at Delhi and Dr. S. M. Hasan on earlier occasions. The respondent No. 1 who is one of the sons of Pandit Shukla has filed a suit being suit No. 12B of 58 in the Court of Civil Judge, Jabalpur for defamation against Dr. Lohia, and Editor and staff correspondent of Blitz. The petitioner had nothing to do with the making or reporting of the said charges of allegations against Pt. Shukla or with the suit filed by respondent No. 1. He was not approached or called upon by any one to substantiate these charges or allegations nor was there any question of his backing out from proving the charges or allegations. As already stated the petitioner was wholly unconnected and unconcerned with any charges or allegations against Pandit Shukla published in BLITZ as also with the

defamation case filed against Dr Lohia and Blitz. The respondent No 1 as also his agent and worker Tikamchand Jain knew that the statement of facts made in the pamphlet in this respect are false. By making this false statement the respondent No 1 attacked the petitioner's personal conduct and character in that the petitioner made false and filthy allegations against late Pandit Shukla whose memory is much honoured and respected in the Constituency, has now backed out in substantiating them, has thus put the Blitz in trouble and that the petitioner is habitual in such conduct.

9 It is also false that the petitioner was President of the Reception Committee of Betul Praja Socialist Party Conference. The petitioner was never entrusted with a sum of Rs 16,000/- or any sum in respect of that conference nor was any account demanded from him by the reception Committee or any one. The Respondent No 1 and his agent and worker Shree Tikamchand Jain knew that the allegations made in this respect in the said Pamphlet are false or at any rate they did not believe it to be true. By making these false allegations the respondent No 1 attacked the personal character and conduct of petitioner and falsely suggested that the petitioner has been guilty of misappropriating a sum of Rs 16,000/- raised by subscription for the Betul Praja Socialist Party Conference.

10 The aforesaid statements of facts made in the pamphlet as already stated related to the personal character and conduct of the petitioner, were false to the knowledge of respondent No 1 and Shree Tikamchand Jain, the Agent and worker of respondent No. 1, and also to the knowledge of other agents and workers of respondent No 1, who distributed the pamphlet with the consent of respondent No. 1. The allegations were reasonably calculated to prejudice the prospects of the petitioner's election. The respondent No 1, his agent Shree Tikamchand Jain as also other agents and workers of Respondent No 1 distributing the pamphlet were guilty of corrupt practice under Section 123(4) of R P Act, 1951.

11 The particulars of the corrupt practice are as follow—

- (A) The pamphlet—Annexure-1 to the petition was printed at Saraswati Printing Press Mahasamund in the name of Shree Tikamchand Jain who is shown as publisher
- (B) The said pamphlet was distributed in the entire constituency by respondent No 1 himself and his agents and workers with his consent details of distribution at a few places which could be gathered at the time of drafting the petition are given below:—

Names of persons	Places of distribution	Date of Distribution
i. Shree Vidyacharan Shukla, Respondent No 1)	Village Birkoni, (Mahasamund Assembly Constituency)	16-2-62
	Village Tamora (Mahasamund Assembly Constituency)	18-2-62
	Town Mahasamund	22-2-62
(ii) Tikamchand Jain r/o Mahasamund	Town Mahasamund	17-2-62
(iii) Rameshchandra Shukla s/o Ambika Charan Shukla, nephew of Respondent No 1	Village Rajm (Rajm Assembly Constituency)	19-2-62
	Town Sarangarh	15-2-62
(iv) Ram Ratan Nayak r/o Baramkela,	In all the villages of polling station, baramkela (Pussore Constituency)	15-2-62
	In all the villages of polling station, Tausir (Pussore Constituency)	16-2-62
	In all the villages of polling station, Kakhanni, (Pussore Constituency)	17-2-62
	In all the villages of polling station, Kanthi Pali, (Pussore Constituency)	18-2-62

Names of persons	Places of distribution	Date of Distribution
(v) Het Ram Pandit r/o Dansara.	Village Dansara in Sarangarh Constituency Town of Sarangarh.	16-2-62
(vi) Janki Prasad Mehar r/o Rai- garh.	In all the villages of polling station, Tarekela. (Pussore Constituency)	15-2-62
	In all the villages of polling station, Jam- dalka. (Pussore Constituency)	16-2-62
(vii) Prithi Palsingh r/o Raigarh.	Town Barangarh	17-2-62
(viii) Kesavachandra Gupta r/o Bade-Nawapara	In all the villages of polling station, Bade- Nawapara. (Pussore Constituency).	18-2-62
	In all the villages of polling station, Khairi- garhi. (Pussore Constituency)	17-2-62
	In all the villages of polling station, Khori- gaon. (Pussore Constituency)	18-2-62
(ix) Mohanlal Nayak r/o Hathi Iapali.	In all the villages of polling station, Kanthi Pali. (Pussore Constituency)	17-2-62
	In all the villages of polling station, Hirri. (Pussore Constituency)	18-2-62
(x) Suresh Prasad Pandey r/o Parpada.	In all the villages of polling station, Bud- buda. (Pussore Constituency)	16-2-62
	In all the villages of polling station, Nadigaon and Lukupar. (Pussore Constituency).	17-2-62

12. The election of the returned candidate, the respondent No. 1 Shree Vidya-
charan Shukla is void because of corrupt practice committed by him his agents
and workers with his consent, as stated above.

13. The corrupt practice as detailed above was committed at such an extensive
scale that but for the votes obtained by the returned candidate by corrupt prac-
tices the petitioner would have obtained a majority of the valid votes.

14. A security deposit of Rs. 2,000/- has been made as required by Section 117
of the R. P. Act.

PRAYER

The Petitioner claims:—

- (i) A declaration that the election of returned candidate Shree Vidya Cha-
ran Shukla, respondent No. 1, is void:
- (ii) Any other relief that may in the circumstances of the case be deemed
fit and Proper.

KHUBCHAND BAGHEL.

Raipur: 9-4-1962.

VERIFICATION

I. Khubchand Baghel, s/o Judawan Singh, resident of Tatyapara, Raipur,
Madhya Pradesh, declare that the contents of paras 1, 2, 3, 4, 7, 8, 9 and 14 of the
petition are true within my personal knowledge and the contents of paras 5, 6,
10, 11, 12 and 13 are believed by me on credible information received to be
correct.

Signed and verified at Raipur on this 9th day of April 1962.

KHUBCHAND BAGHEL, Petitioner.

Enclosures:—

1. Pamphlet marked—Annexure-1.
2. Receipt of security deposit of Rs. 2,000/-.
3. Affidavit in support of corrupt practices.
4. Five extra copies of petition, Annexure-1 and Affidavit.

KHUBCHAND BAGHEL, Petitioner.

[No. 82/258/62.]

New Delhi, the 7th May 1962

S.O. 1386.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 324 of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Shri Sardar Mal son of Shri Jorawar Mal, Advocate, Dhaddhon Ka Bagh, Moti Dungari Road, Jaipur, calling in question the election to the House of the People from the Jaipur constituency of that House of Shrimati Gayatri Devi wife of Maharaja Man Singhji, Rajmahal, Jaipur.

THE ELECTION COMMISSION OF INDIA NEW DELHI.

ELECTION PETITION No. 324 OF 1962

Relating to Jaipur constituency of Lok Sabha

Sardar Mal S/o Zorawarmal, Advocate Dhaddhon Ka Bagh Moti Dungari Road, Jaipur City.—Petitioner.

Versus

Smt. Gayatri Devi W/o Maharaja Man Singhji Rajmahal Jaipur.—Respondent.

Election Petition under Sec. 80 & 81 of the Representation of the Peoples Act 1951 in relation to the election to Lok Sabha from Jaipur Parliamentary Constituency held on 1st March, 1962.

May it please your Honour,

The Petitioner begs to submit as under:—

1. "That the petitioner is an elector enrolled at No. 607 Part 66 Block 7 of Johri Bazar Assembly Constituency Jaipur of the Parliamentary constituency of Jaipur.

2. That the respondent is a returned candidate having being declared elected on 1st March 1962 to the Lok Sabha from Jaipur Parliamentary Constituency.

3. That the respondent is the wife of the Maharaja of Jaipur who has been the Rajpramukh of Rajasthan.

4. That the election of the respondent to the Lok Sabha is void on account of the following grounds: amongst others:—

(a) That the respondent her agents and supporters with her consent committed the corrupt practice of bribery as specified in Sec. 123(i) of the Representation of the Peoples Act, inasmuch as they induced the voters of Jaipur City Amer Sambher and other villages to vote for the respondent by giving them sweets and drinks, by paying illegal gratification and offering to the temples their priests and pujaris. Yagnas were also organised at several places and rewards were distributed to the Brahmins in the form of Dakshina. The Particulars and instances of this corrupt practice are given in Annexure A.

(b) That the respondent her agents and supporters with her consent engaged religious priests and pujaris of temples who propagated amongst the illiterate people in the name of religion. There was systematic appeal made to the electors that "Ashtagrah Yog" i.e. eight planet combination had set in and they would perist if the stars are not pleased Maharani. the respondent who had star as her symbol and as such had stars with her. could save them if she is pleased. She was a Goddessदेवी". They further made a false propaganda that the respondent was sure to win and if the electors did not vote for her Wrath of God will fall on them. They can be saved from the evil effects of the Ashtagrah Yog only when the respondent comes in power after she is elected.

Religious ceremony i.e. the Yagnas were organised by the respondent her agents and supporters in the temples of Tarkeshwarji, Dinanathji and Govinddevji in

Jaipur City amongs many others and at Amer, Phagi, Sambher, Dodu and various other places between 27th Januray, 1962 and 10th of February and the Putaris Priests and Mahants of these temples made a systematic appeal in the name of religion to vote for the respondent. Due to this propaganda the electors could not exercise their free will and were unduely influenced to vote for the respondent.

That the respondent was always accompanied by Jagirdars and Thakhurs who went in Jeeps with her fully armed and canvassed for her. They created terror amongs the voters who argued with them and threaten them to vote for the respondent. Thakur Bhanu Pratap Singh of Dudu, Thakur of Mehlan and Thakur of Jobner actually threaten the residents of their Jagir areas with dire consequences if they did not vote for the respondent.

Thus the respondent is guilty of the corrupt practice of undue influence as specified in Sec. 123 Sub-Section 2 of the representation of the Peoples Act.

(c) That the respondent and her husband summoned the Ex-Jagirdars and Thakhurs of the erstwhile Jaipur State and a meeting of all these were held in the City Palace Jaipur where all these Rajputs were given vow to support the respondent. An appeal was made in the meeting that the election of the respondent was a prestige question for the entire Rajput community and if they have Rajput blood in them they should be prepared to sacrifice every thing for this election. This vow was taken by taking a sword in hand by everybody who was present in the meeting. This meeting was held in the last week of January. Similar type of meetings were organised in Dudu, Jobner, Chome during the period between 1st and 10th of February. Consequently all the Jagirdars and Rajputs carried on a propaganda on the basis of community that they would vote and would canvass support for the respondent.

Thus the respondent her agents and supporters with her consent made appeals in the name of castes and community to vote for the respondent and thus the respondent is guilty of the corrupt practises mentioned in Sub-Clause 3 of Sec. 123 of the representation of the Peoples Act.

(d) That the respondent her agents and supporters with her consent hired and procured vehicles for carrying the voters to the polling stations from their residences. Electors were actually carried in such vehicles and therefore, the corrupt practice as specified in Sec. 123 of the Representations of Peoples Act was committed by the respondent. The particulars of the corrupt practice are detailed in Annexure B.

(e) That the respondent had committed the corrupt practice as specified in Sec. 123 Sub-Section 6 in as much as the expences actually incurred or authorised by her have exceeded the prescribed limits. The respondent has spent less but has filed a return showing only Rs. 19 thousands as the actual expenses incurred by her. The respondent has not shown many items of her expenditure which were actually incurred and much less has been shown in other items. The particulars are given in Annexure C.

5. That the above mentioned corrupt practices have extensively prevailed in the cnostituency and but for these corrupt practices the respondent could not succeed.

6. The Petitioner contends that the election of the respondent is void and the petition is filed within limitation and the security deposit of Rs. 2,000 has been made in the name of the Election Commission. The receipt of paying is attached herewith.

It is therefore, prayed that

1. The Election Petition be accepted and the election of the respondent to the Lok Sabha be set aside and fresh election be ordered.
2. Costs of the petition be awarded,
3. The respondent be held guilty of having committed the corrupt practices detailed above and be disqualified.
4. Any other relief which may be deemed fit may be awarded.

Delhi—Dt. 16-4-1962.

Sd./- SARDAR MAL,
Petitioner.

VERIFICATION

I, Sardar Mal S/o Zoraver Mal resident of Moti Dungri, Road, Jaipur, verify on oath that the contents of paragraphs 1 to 6 with their Sub-paragraphs are true to the best of my knowledge and belief and information received from friends which I considered to be true.

Verified at Delhi, on 16-4-1962.

Sd./- SARDAR MAL,
Petitioner.

ANNEXURE A

1. The respondent, her agents and supporters with her consent organised Yagnas during the period between 28th January and 10th February in the temples of Tarkeshwarji, Dinanathji, Govindevi in Jaipur City and at Amer, Phagi, Sambher, Dudu and several other places. She visited all these places on different dates and made offerings to the temple and subscribed towards these Yagnas. The Priests who had assembled there in large number were paid rewards and they blessed the respondent.

2. The respondent, her agents and supporters with her consent distributed wine bottles and sweets to the voters in Jaipur City on the night of 20th February and on 21st February i.e. on the polling date Laddus were distributed on all the polling stations of Jaipur City on behalf of the respondent.

3. The respondent and his agents employed about 2,000 workers to vote and convess for the respondent on the promise that they would be paid Rs. 3 to 5 per day as reward. They were actually paid for the period they worked between 26th January, 1962 to 26th February, 1962.

4. That it was a part of the propaganda of the respondent that the grain would be made cheaper if the voters voted for her. In furtherance of the prospectus of her election, the respondent her agents and supporters with her consent got cheap grain shop opened in Chandpur Bazar and Atish in Jaipur City on or about the 15th of February where cheap grain was sold to the electors and at the very same time the person was extracting a promise from them that they would vote for the respondent. Such shops were also opened in Sambher and other places.

5. That the respondent on or about the 15th of February visited village Mamada and promised to pay a sum of Rs. 2,000 to the Agrawal community for constructions of their schools. The respondent paid Rs. 500 on the very day and Rs. 1500 were paid after 2 or 3 days through Shri Bhanu Pratap Singh of Dudu who was her agent.

6. The respondent her agents and supporters paid different amount in the form of offerings to the temples named above between 27th January to 10th February, 1962. She promised to give silver doors to the temple of the Dinanathji.

VERIFICATION

I Sardar Mal S/o Zoravar Mal verify on oath that what stated above in Annexure A is correct to the best of my knowledge and information which I believe to be true.

Delhi—Dt. 16-4-1962.

Sd./- SARDAR MAL,
Petitioner.

ANNEXURE B

The respondent procured all the people of her husband's garage and were all used to bring the voters.

2. The respondent procured and hired at least 100 Tongas in which the voters were taken to the polling stations in Jaipur City. Among others the respondent procured Jeep No. RJL 6324, RJL 8373, RJL 2484, RJL 4048, RJL 4064, these vehicle carried the voters to the polling stations in home area.

3. The respondent, her agents and supporters with her consent procured Jeep No. RJQ 3244 and RJL 375 and Taxi Tongas of Ajmer No. 483, 488, 475 and 18 for carriage of the voters and these vehicles actually carried the voters to polling

stations No. 30 and 31 in Amer. There are several other instances which will be added afterwards

VERIFICATION

I, Sardar Mal S/o Zorawar Mal resident of Moti Dungri Road, Jaipur, verify on oath that the contents of the above paragraphs are true to the best of my knowledge and belief and information which I consider to be true.

Delhi—Dt. 16-4-1962.

(Sd.) SARDAR MAL

Petitioner.

ANNEXURE C

The respondent freely distributed plastic badges bearing the symbol of the respondent and the actual expenditure according to the petitioner comes to about Rs. 30,000 but the respondent has shown in her return a meagre sum of Rs. 265-90 naya paisa.

2. The respondent got a big bold installed in the temple of Govinddevji in which through electric automatic contrivance. It was explained as to how a voter will cast vote in favour of the respondent. The manufacturing cost of this as well as the electricity charges cannot be less than Rs. 3,000 but no expenditure in this regard has been shown by the respondent.

3. The respondent at Sargasuli Jaipur and at various other places got an installation of electric neon signs of the respondent symbol but no expenditure in this regard also has been shown. The petitioner estimates that at least 1,000 Rs. must have been spent on this item.

4. The respondent and her agents hired about 1,000 cycles on Re. 1 per day. At least Rs. 20,000 must have been spent on this item which is omitted in the expenses.

5. The respondent employed about 4,000 paid workers on the polling dates and 1,000 generally for a period of one month at a rate of Rs. 3 to 5 per day but no expenditure on this item has been shown. According to the petitioner atleast 25,000 Rs. must have been spent on this item.

6. The respondent engaged Lawyers S/Shri Chiranji Lal Agarwal, C. N. Sharma, Ladli Lal and others for legal advice in the matter of filing nomination and scrutiny. The fees which is 5,000 minimum paid to the lawyers has not been shown in the expenses.

7. The respondent offered at least Rs. 1,00,000 as charities in the form of offerings to the temples, donations to the Schools and other institutions, Dakshinas (Rewards) to the Pandit etc., has been omitted.

8. The respondent invited cinema actors namely, Prem Nath and others, but the expenses incurred in their travelling and boarding lodging have not been included in the return of the expenses. According to the estimates of the petitioner the respondent must have spent at least 5,000 rupees on this item.

9. The respondent has not included any expenditure with regard to the public meetings, processions, receptions, erection of arches, stages and on mikes and loud speakers. The respondent held at least 50 big meetings and about 100 small meetings. According to the petitioner not less than 5,000 rupees must have been spent on this item.

10. The respondent employed a drama party consisting of about 15 actors and actresses who went from place to place and staged dramas to canvass support for the respondent. They went in a lorry of the Rajmahal and their travelling and other expense cannot be estimated at less than 25,000 rupees. But this big item has been omitted from the return of the election expenses.

11. At least 100 tongas in Jaipur and large number in other towns and similarly about 100 other vehicles were hired by the respondent, but only 4 or 5 have been shown in the return. In the same way the cost of Petrol and Mobiloil paid by the respondent is much higher than the amount shown in the return. The respondent must have spent at least more than Rs. 20,000 on the petrol, oil and hire of these vehicles, but only a meagre sum has been shown in the return.

12. That the respondent, her agents and supporters got the name, symbol with a request to vote for her bearing the name of the respondent painted on boards and at various places numbering about 5,000 in Jaipur City and all villages and towns by means of water and oil painting. The expenditure on one board cannot be less than Rs. 5. Besides, several flags with Star mark and blue cloth bearing the symbol of the respondent were freely distributed to the tongas, rikshas, shop-keepers and all the towns and villages of the constituency. The expenditure on this item is not less than Rs. 5,000. Thus in all Rs. 25,000 have been incurred on the publicity through painted boards.

13. That expenditure in regard to posters, booklets, hand bills etc. is shown much less.

Besides, the above the several other heads under which the expenditure was incurred or authorised by the respondent, but much less has been shown.

That the return file by the respondent is false and the actual expenditure has exceeded the prescribed limits.

VERIFICATION

I Sardar Mal S/o Shri Jorawar Mal, Advocate resident of Moti Dungri Road, Jaipur, verify on oath that the contents of Annexure C stated above are true to the best of my knowledge and information which I think to be true.

(Sd.) SARDAR MAL,

Petitioner.

Delhi—Dt. 16-4-1962.

[No. 62/324/62.]

By Order,

K. K. SETHI, Under Secy.

New Delhi, the 5th May 1962

S.O. 1387.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 216 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Patel Chhotabhai Desaiabhai, Resident of Ajarpura, Taluka Anand, District Kaira, Gujarat State, calling in question the election to the House of the People from the Anand constituency of that House of Shri Narendrasinhji Ranjitsinhji Mahida, Resident of Baroda, Vishrambag, Laxmi-Villas Place Compound Baroda, District Baroda, Gujarat State.

BEFORE THE ELECTION COMMISSION, NEW DELHI

ELECTION PETITION No. 216 OF 1962

DISTRICT: KAIRA

In the matter of the representation of the People Act, 1951.

AND

In the matter of the conduct of Election Rules, 1961.

AND

In the matter of the Election to the House of the People, Anand Parliamentary Constituency.

AND

In the matter of calling in question the Election of Shri Narendrasinhji Ranjitsinhji Mahida.

Patel Chhotabhai Desaiabhai aged 51 years residing at Ajarpura, Taluka Anand, District Kaira, Gujarat State—*Petitioner.*

Versus

1. Shri Narendrasinhji Ranjitsinhji Mahida, aged 49 years, residing at Baroda.

2. Maniben Vallabhji Patel, aged 60 years, residing at Navjiwan Karyalay, Ahmedabad.—*Opponents.*

THE HUMBLE PETITION OF THE PETITIONER ABOVENAMED.

Most respectfully sheweth:—

1. That the petitioner is a citizen and a national of India, and is an ordinary resident of village Ajarpura in Kaira District. That the petitioner is an elector

in relation to the House of People, Anand Parliamentary Constituency in Kaira District. The name of the petitioner has been registered in the electoral roll of village Ajarpura of the said Constituency. The petitioner is not subject to any of the disqualification mentioned in S. 16 of the Representation of the People Act, 1950 (hereinafter referred to as the Act of 1950) or under any other law. That the petitioner was over 25 years of age on the qualifying date. The petitioner was entitled to vote at the general election of the parliamentary seat to the House of the People held on 21st, 23rd and 25th February, 1962 in the said Constituency.

2. That Respondent Nos. 1 and 2 had filed their nominations for a seat in the House of the People for the Anand Parliamentary Constituency (hereinafter referred to as the said Constituency) in Kaira District of Gujarat State. The Anand Parliamentary Constituency consisted of the area comprised of the following:

Parliamentary Constituency, Anand

Serial No. and Name of Parliamentary Constituency	Date of Poll	Sr. No. and Name of Assembly Constituency
14. Anand	23rd February, 1962	90 Dhandhuka
	21st February, 1962	91 Umreth
	25th February, 1962	92 Anand
	21st February, 1962	93 Sunav
	25th February, 1962	94 Petlad
	23rd February, 1962	97 Cambay
	23rd February, 1962	98 Matar

The said Constituency was a single member constituency. The nomination papers of the Respondents Nos. 1 and 2 were accepted by the Returning Officer on 22nd January, 1962. The Respondent No. 1 was nominated as a candidate by the Swatantra Party. The Symbol chosen by the Swatantra Party for the election was Star. This Symbol was recognised by the Election Commission and as such the Star was the Symbol of the Respondent No. 1. The Respondent No. 2 was a candidate of the Congress Party and the Symbol of the Congress candidate consisted of two bullocks with yoke on. That the Respondent Nos. 1 and 2 were the only contesting candidates. That the election took place on the dates specified hereinabove in the respective Assembly Constituency. The result of the said election was declared by the Returning Officer on the 1st March, 1962 at Kaira. That the Respondent No. 1 secured 1,69,116 votes as against 1,46,387 votes secured by the Respondent No. 2 and he was declared elected by the Returning Officer by a majority of 22,729 votes. That the Anand Parliamentary Constituency is of 4,69,662 voters. The petitioner says that nearly 60 per cent voters out of the said number of voters belong to Kshatriya Community. In the Umreth Assembly Constituency there are 31,944 Kshatriya Voters out of a total of 79,932 voters. In the Anand Assembly Constituency there are 30,493 Kshatriya Voters out of a total of 75,792 voters.

3. The petitioner says that the Respondent No. 1 and one Shri Natversinhji Keshari Sinhji Solanki, and Bhagwansinhji Chhasthia (hereinafter referred to as the said "Solanki" and the said "Chhasthia") are the recognised heads and leaders of eminence of the Kshatriya Community (hereinafter referred to as the said community) in Kaira District as well as in the Gujarat. Their followers attach great value to their orders and instructions and respect their word with sanctity. Their orders, instructions and requests were and are even treated as religious commands.

4. That they addressed several meetings of their followers and appealed to them that it was the primary "DHARMA" of all their followers to help the candidature of the Respondent No. 1 as his Bhandhavas. The Respondent No. 1, the said Shri Solanki and Chastia gave "FARMAN" to all the Kshatriya voters of the said constituency to vote for the first Respondent on the ground of religion, caste and community. The petitioner says that Shri Solanki and Shri Chhastia were the agents and active supporters of the first Respondent and they were acting with the consent of the Respondent No. 1.

5. That the Respondent No. 1 released a statement (Nivedan) under his signature under the caption "I HAVE LEFT CONGRESS TO CONVEY THE VOICE OF THE PEOPLE". The petitioner sets out the following excerpts as indicating the author's drift:

"I am not ashamed of being a kshatriya. I say it with pride yes, I am a kshatriya, a descendant of the courageous and the brave kshatriyas such as Ram and Krishna; I am a descendant of religious prophets like Budha and Mahavir. I am the heir of great personages of their Age with lusture of kshatriya (Princely) class like Gandhiji and Sardar. He is a kshatriya who observes the 'KSHATRA DHARMA—DUTIES AND FUNCTIONS OF KSHATRIYA' and thus anybody can become a kshatriya. Is it a sin or a stigma to become a kshatriya in this country? No, we are kshatriyas and have remained the defenders of the people. We know how to win kingdom and throne and it is only we who know to renounce it. The whole history of India bears witness to the same. I am a kshatriya and as kshatriyas are my BANDHAVAS, surely they (kshatriya) would support me is obvious and natural. Lord Krishna lifted the mount 'Govardhan' for the protection of the people but it received supports of sticks by every one of the 'Gopals' shepherds; so shall I want your support. There is no doubt that all the troubles will vanish if you make that support available.

I enjoin upon every kshatriya to become a good kshatriya and I ask every Brahmin to become a good Brahmin. The four class system (Varnas) of our society is unparallel in the whole world. If people attain the best virtues by means of their respective qualities and action, then they can become illustrious citizens of the country. In that way our national character can be maintained and it may also shine; if somebody asks you to cease to be a kshatriya it pains me so much that I cannot describe it. We may be poor, but on that account we are not disheartened, nor shall we be so in future. Poverty is not a thing to be ashamed of. It is enough for us if we are not repressed or are not led away by other's influence. I, therefore, say do not lose courage and have faith. Faith is the only true strength. This is the time of our test. But we have no other go but have to cross it over.

Who said that we wanted to regain our kingdom throne? Mr. Nehru is always worried about it, but I assure him that we the kshatriya never think of regaining them once the kingdoms and thrones have been given over. But we shall not tolerate if the undeserving persons come to ascend that throne, claiming to be the masters; we have never surrendered to injustice nor shall we do so, this is our pledge. This is our vow; and the same is our support. It is my wish that people in this country may cultivate courage. Their bodies become energetic and strong. Their sentiments may remain true and selfless. Nobody may interrupt their affairs without rhyme or reason. Their agriculture may continue to be prosperous. Shri C. Rajagopalachari has made an auspicious beginning by founding a new party throughout the country. Bhaikaka has started beating the 'Rannobat'. Bravo; invitations are at our doors; we have got an opportunity to maintain the reputation of our forefathers; The swatantra party has warned us; and encouraged by patting our backs; we have to give them support. So let us plunge in. Come out, victory is ours." Marked Annexure "A" is the said statement, true translation into English of the said statement is annexed herewith. Marked Annexure "A1" is daily newspaper containing statement of the first Respondent. The petitioner craves leave to refer to and rely on the said statement as if its contents are specifically set out herein.

6. In the said statement the Respondent No. 1 had directly appealed to kshatriya to support his candidature as a kshatriya. That the said appeal to the said community is made with the object of using it as direct inducement to vote for respondent No. 1 himself and to refrain from voting for any other person on the ground of his religion, race, caste and community for the furtherance of the prospects of his election and for prejudicially affecting the election of the Respondent No. 2. The tenor of the statement is to appeal the voters as members of caste and/or community to vote for the Respondent No. 1.

7. The petitioner says that the said statement of the Respondent No. 1 was also intended to promote feeling of enmity and/or hatred between different classes of Indian citizen on the ground of religion, race, caste and community for the furtherance of the prospects of his election and for prejudicially affecting the election of the Respondent No. 2. The Respondent No. 1 also wanted the voters to get prejudice against Congress Candidate.

8. The petitioner says that the Respondent No. 1 along with his agents and supporters with the consent of the Respondent No. 1 carried on propaganda by widely circulating the said statement, by orally saying the contents of it to the

voters at the public meetings and otherwise and also by publishing the same in the daily paper Swatantra Sarjan, dated 20th February, 1962, throughout the length and breadth of the constituency and in particular Anand, Vadod, Napad, Umreth, Kunjrao, Ode, Ahima, Kasor, Khambolaj, Khankhanpur, Khankuva, Tarnol, Dagajipara, Dhureta, Partapura, Neghava, Ratanpura, Rasol, Lingada, Pansora, Samarkha, Sarasa, Sili, Sureli, Sundalpura, Saiyadpura, Kamijpura, Adas, Karmasad, Chikhodra, Gamdi, Jor, Navali, Bakrol, Boriavi, Mogar, Ramnagar, Rambhvel, Vagashasi, Valasan, Vera, Sandesar, Sundan, Hadgul, Ankla-vadi, Cambay and villages around Cambay, Petlad, and villages around it, Sundarna, Vadadala, Pandori, Paraj, Sunav and villages around it and Matar as well as other villages around Matar, to effect that since the Respondent No. 1 is a "KSHATRIYA", their community voters should vote for him. That the said propaganda was carried on to appeal the voters of the said community on the ground of his religion, caste and community to further the prospects of the Respondent No. 1's election who was a Kshatriya, and to refrain the voters from voting for the Respondent No. 2, who was not a Kshatriya.

9. The petitioner says that the tenor of the statement made by the Respondent No. 1 was such that it was in fact and intent calculated to appeal the voters of the said community to vote for him on the ground of his religion, caste and community and to excite caste and communal feelings. At the end of the said statement the expression "JAI SOMNATH" has been used which has historically acquired a special meaning and great religious efficacy and significance. "JAI SOMNATH" is the titular God of Kshatriyas. A kshatriya would offer his life in the name of God Somnath. The said word is used for exciting kshatriyas in the name of religion. The Respondent No. 1 has in his statement used the said slogan in that context. The use of the words "JAI SOMNATH" was intended to excite religious feelings and also to promote feelings of hatred between different classes of citizens of India on ground of religion, race, caste or community and thereby induced the voters of his community to vote for him. It was a systematic appeal by the Respondent No. 1 to vote for him on the ground of his religion, race, caste and community, for the furtherance of the prospects of his election and for prejudicially affecting the election of the Respondent No. 2.

10. That the circulation of the said statement in the constituency in the manner stated hereinabove and otherwise had greatly affected the prospect of Respondent No. 2 from being elected and had interfered with the free exercise of the electoral rights of the voters in his constituency. The petitioner says that the circumstances under which and the context in which the said statement was made, it was a direct compelling inducement on the voters which was intended to interfere with the free exercise of electoral rights. The voters, majority of whom were ignorant, illiterate villagers were susceptible to such propaganda and have been unduly influenced by such direct compelling appeal. The petitioner says the above practices amount to corrupt practice within the meaning of section 123 of the Act of 1951.

11. The said appeal was further accelerated by another appeal in the name of religion and religious symbol. This appeal was carried on by the Respondent No. 1, his agents and others with the consent of the Respondent No. 1 by the use of religious symbol in several leaflets by saying that the "SWATANTRA PARTY" carried the emblem of Star of "DHRUVA" which represents the five qualities of being eternal, firm, guide, resolute and devoted to religion which are equally the virtues of kshatriya and as such they should vote for Respondent No. 1. The said symbol was used for inducing Hindus as well to vote for Respondent No. 1 in the name of religion. The Respondent No. 1, his agents and supporters with the consent of Respondent No. 1 gave a religious impetus to it and thus obtained votes of Hindus by appealing the voters to vote on the ground of religion and by use or appeal to religious symbol. Marked Collectively Annexure B(1) to B(6) are the leaflets.

12. The aforesaid appeals were carried on by Respondent No. 1, his agents and others with his and their consent by oral propaganda and by circulation of statements & leaflets. The said appeals amount to corrupt practice within the meaning of section 123 of the Act of 1951 and that the said corrupt practice adopted by the Respondent No. 1, his agents and others with the consent of the Respondent No. 1 has operated to reduce the number of votes secured by the Respondent No. 2. If the said corrupt practice had not been adopted by the Respondent No. 1 his agents and others with the consent of Respondent No. 1 it would have enhanced and added number of votes in favour of the second Respondent. Such addition would have not only wiped out the majority commanded by the returned candidate but the second Respondent would have commanded majority over the returned candidate and would have been declared elected.

13. That the said Shree Solanki who is the Secretary of the Swatantra Party made a statement on 18-2-1962 and published the same under his signature. That the said statement was published in the daily paper "Swatantra Sarjan" under the caption "THE KSHATRIYA SHOULD GIVE MOUTH FILLING REPLY TO THE CRITICS BY MAKING SWATANTRA PARTY VICTORIOUS." Marked Annexure "C" is the leaflet containing the statement. "C1" is a copy of the said daily paper. The petitioner sets out the following excerpts indicating the drift:

"What is all this? The kshatriya population of Gujarat may know that in this election fight people have to respond to this cold blooded joke by an equally cool headed reply. The elections will be over within the coming 7 days and the results will also be declared within three days thereafter. It is a matter of mere ten days within which we have to give those cracking such jokes and disparaging our leaders before the public, such a mouth filling reply that they would never again have the courage to utter any such name."

The leaflets containing the said statement of Shri Solanki were freely distributed at the instance and with the consent of the first Respondent in the said constituency. The said statement was also given wide publicity by the said daily paper. The said statement contains a direct appeal to vote for the first Respondent on the ground of religion, race, caste and community. The said statement has been made and published at the instance of the first Respondent and/or with his consent to induce the kshatriya voters to vote for the first Respondent. The said statement is a compelling inducement to the voters in an insidious manner interfering with the free exercise of electoral rights. That the voters have been unduly influenced by such corrupt practice. The said statement is attempted at promoting feelings of hatred against different classes of the citizens of India on the ground of religion, race, caste and community for the furtherance of the prospects of the election of Respondent No. 1 and for prejudicially affecting the election of the Respondent No. 2.

14. That the Respondent No. 1 his agents and others with the consent and connivance of the Respondent No. 1 and his election agent have widely circulated and distributed booklets at public places and in the meetings of the election campaign in the constituency under the caption "SEE HOW BADLY YOU ARE TRAPPED" and surely "IF YOU LIKE TO DO SOMETHING, YOU SHOULD VOTE FOR THE SWATANTRA PARTY." Marked Annexure "D" is the booklet. On the cover page is depicted a man tied with rope thrown in a cauldron showing leaping fire around it. In the Booklet there is one picture which depicts a man who is threatened with a pistol creating an impression on the mind of the voter that the land-holders would be deprived of their land at the point of pistol. All the pictures in the booklet are designed with the object of creating fear in the mind of the voters with a view to refrain them from voting for the Congress. The pictures and the writings in the booklet create horror and terror in the mind of the voters. The pictures unduly influenced the voters. The petitioner says that the same amounts to corrupt practice of undue influence within the meaning of Section 123(2) of the Act of 1951.

15. That the election campaign committee of the Swatantra Party had issued a leaflet under the caption "PUBLIC SHOULD TEACH A LESSON TO THE POWER-BLIND CONGRESS." It refers to the "REIGN OF RAVANA." The Congress rule is compared with reign of Ravana. The expression "REIGN OF RAVANA" has acquired a special connotation and meaning. It means reign of terror, fear and immorality. The said expression creates before the mental screen of the voters a scene of "RAVANA RAJYA" and fear in the minds of the voters that they would meet with the same fate of "RAVANA RAJYA" if they vote for the second Respondent. That by publishing and distributing such leaflets and making propaganda in public meetings, created terror, fear and hatred in the minds of the voters and such other feelings which has interfered with the free exercise of electoral rights. The said leaflets were published and distributed with the knowledge and consent of the Respondent No. 1 by his agents for unduly influencing the voters in an insidious manner interfering with the free exercise of the electoral rights. The majority voters, who are ignorant and illiterate persons are susceptible by such propaganda were unduly influenced by such corrupt practices. The said leaflet was calculated to unduly influence and interfere with the free exercise of voting. Marked Annexure "E" is the said leaflet.

16. That the Respondent No. 1 and his agent with his consent have issued and widely distributed leaflets with Star as the symbol with a prefix Dhruva which means eternal, firm, resolute and devoted to religion. The recognised symbol of the party is "STAR" without a prefix "DHURVA". The petitioner says that the Respondent No. 1 and the Swatantra Party with the consent of the Respondent

No. 1 as his agent had used the prefix "DHURVA" with a view to give religious impetus, and to appeal the voters to vote for the Respondent No. 1 and the Swatantra Party candidate in the name of religion by using religious symbol of "DHURVA". This amounts to corrupt practice within the meaning of section 123(3) of Act 1951.

17. The petitioner says that the Secretary of the Gujarat Kshatriya Sabha held conventions of kshatriya workers of the Taluka on the date and at the place shown below:—

Taluka	Date
Cambay	30-1-62
Anand	26-1-62
Petlad	21-1-62
Matar	29-1-62

Present at the said conventions were Respondent No. 1, said Shri Solanki, Chhastia, on Chhatrasing, Shri Udesinh Vadodra, Narendrakumar Lala and others. The leaflet announcing the holding of the said conventions bears the emblem of "SOMNATH" and also recites the slogan of "JAI SOMNATH". Marked Annexure "F" is the said leaflet. The petitioner says that the said conventions were sponsored and held at the instance and/or with the consent of Respondent No. 1 with a view to solicit votes for him of his caste and community. The conventions were accordingly held at the aforesaid Taluka places in the presence of the aforesaid persons and they addressed the workers to vote for the Respondent No. 1 as a kshatriya. They also appealed the workers to canvass votes for Respondent No. 1 of his community. The said conventions were attended by large number of kshatriya workers and leaders of the Taluka. The said speakers and in particular the Respondent No. 1 and the said Shri Solanki also told the voters to vote for the Dhruva Star, the symbol of Swatantra Party in respect of Legislative Assembly of the Gujarat State and if they fail to vote for the Swatantra Party they would be failing in their kshatriya Dharma, as a true kshatriya would not be on the side of injustice. The Respondent No. 1 further told the voters that "I ENJOIN UPON EVERY KSHATRIYA TO BECOME GOOD KSHATRIYA." The Respondent No. 1 also said that "WE HAVE NEVER SURRENDERED TO INJUSTICE NOR SHALL WE DO SO, THIS IS OUR PLEDGE; THIS IS OUR VOW; AND THE SAME IS OUR SUPPORT".

19. The said speakers thereby created an impression on the voters that the election was a fight, and by so doing aroused communal feelings in their mind and thereby appealed them to vote for Respondent No. 1 as also for the other candidates of the Swatantra Party. It was said by the Respondent No. 1 and Shri Solanki that Shri C. Rajagopalachari has laid foundation for the "SWATANTRA PARTY" Bhaikaka is beating "Rannaubat". Kshatriyas are known for showing their khamir and when there is an invitation knocking our doors they should rise to the occasion to maintain their reputation. Finally he had told them to cast their votes for him and the Swatantra Party only and appealed to the voters to secure votes of other too.

20. The petitioner says that similar conventions were held at Borsad, Thasra, Anand, Nadiad, Kapadwanj, Matar, Balasinor and Mahemdabad. In all the said conventions the Respondent No. 1 and the said Shri Solanki and Shri Chhastia were present among others and had made similar appeals to the voters in similar language.

21. The petitioner says that by the said propaganda and by appealing the voters to vote for Respondent No. 1 and the candidate of the Swatantra Party the first Respondent himself and/or other persons mentioned herein as agents with the consent of the Respondent No. 1 interfered with the free exercise of the electoral rights and by creating communal feeling made the voters to believe that they would fail in their kshatriya dharma if they did not vote for the respondent No. 1 as a kshatriya and for the candidate of the swatantra party. It was a religious appeal.

22. The petitioner says that the first Respondent and the Swatantra Paksha election propaganda committee at the instance of and/or with the consent of the

first Respondent sponsored public meeting at the following places on the dates and time shown against the villages.

Name of Village	Date	Time
Navali	21-1-62	9 A.M.
Napad (Khandhali Dampara, Vanshilipia)	21-1-62	7 P.M.
Boriavi	22-1-62	2 P.M.
Lambhavel	22-1-62	4 P.M.
Bakrol	22-1-62	6 P.M.
Karamsad	22-1-62	8 P.M.
Adas	23-1-62	9 P.M.
Mogar	23-1-62	12 NOON.
Ramnagar	23-1-62	2 P.M.
Vera-Khadi	23-1-62	2 P.M.
Kherda	23-1-62	5 P.M.
Vasad (Anakalavadi Rajapura)	23-1-62	8 P.M.
Vaghasi	24-1-62	9 P.M.
Gamadi	24-1-62	10 P.M.
Chi hodra	24-1-62	2 P.M.
Rasnol	24-1-62	5 P.M.
Ajarpura	24-1-62	8 P.M.
Gana	25-1-62	9 P.M.
Meghava	25-1-62	10 P.M.
Mogari	25-1-62	2 P.M.
Jitodia	25-1-62	4 P.M.
Vadod	26-1-62	11 A.M. to 5 P.M.
Jor.	26-1-62	6 P.M.
Valasan	26-1-62	7 P.M.
Sandhesar	26-1-62	8 P.M.

The said villages are situated in the Parliamentary Constituency. The said meetings were announced in leaflets published by the swatantra party Election Propaganda Committee at the instance and with the consent of the first Respondent. That the said leaflet also bears names of the said Shri Solanki and one—bhai Dadubhai who are the agents of the first Resp. Marked Annexure "G" is the said leaflet. The petitioner says that the said meetings were attended by a large number of voters. The petitioner further says that the said meetings were addressed by the said Shri Solanki and the said Shri Chimanbhai Dadubhai Desai and among other things had particularly appealed to the kshatriyas to vote for the Respondent No. 1 as a kshatriya and also asked them to vote for Shri Bhallalbhai Dayabhai Patel by casting their votes for the candidate of swatantra paksha.

23. The petitioner further says that the meetings were announced to be held in following villages at the time shown against each village.

Name of the Village	Date	Time
Halgul-Gopalpara	13-2-62	9 A.M.
Vagasi	13-2-62	1 P.M.
Gamadi	13-2-62	3 P.M.
Anand	13-2-62	8 P.M.

The said announcement of the public meetings was made by circulating a leaflet published by the propaganda committee Anand Taluka, Swatantra Party. The petitioner says that the said leaflet was published and circulated at the instance and with the consent of the Respondent No. 1, Marked Annexure "H" is the said leaflet. The petitioner says that the said meetings were attended by the first Respondent, the said Solanki and Shri Chhasatia and others. In each village number of voters attended the meeting held at the instance and in the presence of the Respondent No. 1. The petitioner says that in the course of their address the first Respondent and Shri Chhasatia appealed particularly to the kshatriya voters to vote for Respondent No. 1 and the other swatantra party candidates contesting election for the Legislative Assembly, namely for Shri Bhallalbhai

Dyabhai Patel. The said meetings were also addressed by Shri Solanki who made a similar appeal to the kshatriya voters.

24. The petitioner further says that the Secretary of the Swatantra Party, Gujarat, at the instance and with the consent of the Respondent No. 1 and one Shri Bhailalbhai Dyabhai Patel of Anand published and circulated a leaflet announcing that a procession will be taken out on 23-2-1962 between 3 p.m. and 4 p.m. from Azad Maidan under the leadership of the Respondent No. 1 and the said Shri Bhailalbhai Patel. It was also stated in the said leaflet that the said procession will be then converted into a public meeting at the place known as Lotia Bhagol. Marked Annexure "I" is a copy of the said leaflet. The said locality is a place where several houses of kshatriyas are situated. That the procession was attended by nearly 15,000 voters out of whom nearly 5,000 to 6,000 voters were kshatriya who had come from other places of the said constituency. The said meeting was among others addressed by the Respondent No. 1, Shri Chasatia and Shri Bhailalbhai Patel. All of them in the course of the address made a pressing appeal to the voters of the community of the Respondent No. 1 to vote for him as a kshatriya and also to vote for the swatantra party candidate Shri Bhailalbhai Patel. They requested the voters to make both of them victorious.

25. The petitioner says that the Annexures "A", collectively "B", "C", "D" and "E" were distributed by the agents of the Respondent No. 1, with his consent at all the meetings and conventions held by the Respondent No. 1 and his agents at the instance and with the consent of the Respondent No. 1.

26. All the aforesaid corrupt practices left no free will to the voters in the exercise of their electoral rights and the same prevailed so extensively that the election was not a free election.

27. The petitioner submits that the corrupt practices as set out herein above were committed by the first Respondent and by his agents with his consent. The petitioner also submits that the result of the election has been materially affected by the corrupt practices committed in the interest of the first Respondent by himself and by his agents with his consent. The petitioner says that the election in the said constituency has not been a free election as corrupt practices of undue influence, of appealing to vote on the ground of religion, race, caste, and community, appeal in the name of religion and use of and appeal to religious symbol and of promoting feeling of hatred on the grounds of religion, race, caste and community etc. were committed by the first Respondent and his agents with his consent. The petitioner submits that the second Respondent would have secured a considerably larger number of votes than she actually did and would have succeeded. The petitioner submits that but for the said corrupt practice, the first Respondent would have been defeated. The petitioner, therefore, submits that the election of first Respondent should be declared to be void and should be set aside.

28. Receipt of Rs. 2,000 deposited as required by S.117 of the Act of 1951 is lodged herewith.

29. Under the circumstances the petitioner prays:—

- (a) That the election of the 1st Respondent be declared void and the 2nd Respondent be declared elected or fresh election be directed to be held;
- (b) That the Respondent No. 1 be directed to pay the cost of this petition;
- (c) That such other appropriate relief be given as is deemed necessary.

Ahmedabad,

Dated 10th April 1962.

Sd/- Illegible.

(Signature of the petitioner)

I, Chhotabhai Desaiabhai Patel, the petitioner residing at Ajrapura, this 10th day of April 1962, verify that the contents of paragraphs 1, 3, 4, 5, 9 to 17 & 28 are correct to my own knowledge and the contents of paragraphs 2 to 9 and 12

to 27 are correct to my belief based upon information received and believed to be true.

Ahmedabad,
this 10th day of April 1962.

(Signature of the petitioner)

Drafted by
JASHBHAI B. PATEL,
Advocate,
Gujarat High Court,
Ahmedabad.
Notes: Annexures 'A' to 'I' not printed.

[No. 82/216/62.]

By Order,

V. RAGHAVAN, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 2nd May 1962

S.O. 1388.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules to amend the Delegation of Financial Powers Rules, 1958, namely:—

1. These rules may be called the Delegation of Financial Powers (Ninth) Amendment Rules, 1962.

2. They shall be deemed to have come into force on the 23rd April, 1962.

3. In Schedule VII to the Delegation of Financial Powers Rules, 1958, against the entries relating to the powers of 'Heads of Departments' regarding write off of losses on account of "Deficiencies and depreciation in the value of stores included in the stock and other accounts", as substituted by the Ministry's notification No. F. 12(72)-EII(A)/61 dated the 3rd March, 1962, (Amendment No. 111), the following shall be inserted in columns 2nd and 3, namely:—

Col. 2	Col. 3
(vii) Director General of Health Services,	5,000

[No. F. 1(20)-EII(A)/62.]

C. R. KRISHNAMURTHI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 4th May, 1962

S.O. 1389.—Statement of the Affairs of the Reserve Bank of India, as on the 27th April, 1962

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	39,91,71,000
Reserve Fund	80,00,00,000	Rupee Coin	2,88,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	4,01,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted:—	
Deposits:—		(a) Internal	
(a) Government		(b) External	
(1) Central Government	53,63,59,000	(c) Government Treasury Bills	48,02,29,000
(2) Other Governments	14,28,50,000	Balances held abroad*	6,54,59,000
(b) Banks	85,14,87,000	**Loans and Advances to Governments	110,25,23,000
(c) Others	153,04,28,000	Other Loans and Advances†	127,81,81,000
Bills Payable	30,43,20,000	Investments	172,66,66,000
Other Liabilities	63,48,01,000	Other Assets	35,73,27,000
	Rupees		Rupees
	541,02,45,000		541,02,45,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 9,80,00,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated, the 2nd day of May, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 27th day of April, 1962

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	39,91,71,000		A. Gold Coin and Bullion:—		
Notes in circulation	<u>2123,04,45,000</u>		(a) Held in India	117,76,03,000	
Total Notes issued		2162,96,16,000	(b) Held outside India . . . .	..
			Foreign Securities	<u>105,86,07,000</u>	
			TOTAL OF A		223,62,10,000
			B. Rupee Coin		119,32,75,000
			Government of India Rupee Securities		1820,01,31,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES		2162,96,16,000	TOTAL ASSETS		2162,96,16,000

Dated the 2nd day of May, 1962.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/62.]

A. BAKSI, Jt. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 4th May 1962

S.O. 1390.—In exercise of the powers conferred by sub-section (1) of section 122 of Income-tax Act, 1961 (43 of 1961), and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2. thereof:—

SCHEDULE

Range .	Income-tax Circles, Wards and Districts
I	2
'A' Range, Bangalore	1. Bangalore City Circle I. 2. Rural Circle, Bangalore. 3. Shimoga Circle. 4. Kolar Circle. 5. Estate Duty-cum-Income-Tax Circle, Bangalore.
'B' Range, Bangalore	1. Bangalore City Circle II. 2. Salary Circle, Bangalore. 3. Special Investigation Circles 'A' & 'B' Bangalore. 4. Bellary Circle. 5. Tumkur Circle.
Mangalore	1. Mangalore Circle. 2. Coorg Circle. 3. Udipi Circle. 4. Mysore Circle. 5. Hasan Circle. 6. Estate Duty-cum- Income-tax Circle, Mangalore.
Dharwar	1. All Income-tax Wards of Dharwar Districts having headquarters at Dharwar. 2. Karwar Circle. 3. Davngere Circle. 4. Raichur Circle. 5. Estate Duty-cum-Income-tax Circle, Dharwar. 6. Chitaldurg Circle.
Belgaum	1. All Income-tax Wards of Belgaum Districts having headquarters at Belgaum. 2. All Income-tax Wards of Bijapur District having headquarters at Bijapur. 3. Gulbarga Circle.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force on 7th day of May, 1962.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges, in the charge of the Commissioner of Income-tax, Mysore.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 19(F. No. 50/13/62-IT).1

New Delhi, the 7th May 1962

S.O. 1391.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column I of the schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range I	Income-tax Circles, Wards and Districts 2
'A' Range, Calcutta	1. Companies District—I, Calcutta. 2. District—II (3), Calcutta.
B' Range, Calcutta	1. Companies District—I, Calcutta. 2. 24 Parganas.
'C' Range, Calcutta	1. Companies District—III, Calcutta. 2. Cinema Circle—I, Calcutta. 3. Cinema Circle—II, Calcutta. 4. Foreign Section, Calcutta.
D' Range, Calcutta	1. Estate Duty <i>cum</i> Income-tax Circle, Calcutta. 2. Non-companies (Income-tax <i>cum</i> Excess Profits Tax), District—I, Calcutta. 3. Non-companies (Income-tax <i>cum</i> Excess Profits Tax, District—II, Calcutta. 4. Project Circle—I, Calcutta. 5. Project Circle—II, Calcutta. 6. Hooghly.
E' Range, Calcutta	1. District, V, Calcutta. 2. District—V (1), Calcutta. 3. District—V (2), Calcutta. 4. District—IV (3), Calcutta. 5. Special Survey Circle—V, Calcutta. 6. Special Survey, Circle—X, Calcutta.
'F' Range, Calcutta	1. District—I (1), Calcutta. 2. District—II (2), Calcutta. 3. Special Survey Circle—VII, Calcutta.
'G' Range, Calcutta	1. Special Survey, Circle—III, Calcutta. 2. District—I (2), Calcutta. 3. District—III (2), Calcutta.
'H' Range, Calcutta	1. Special Circle—I, Calcutta. 2. Cases which have been assigned and which will be assigned from time to time by the Board. 3. District—III (1), Calcutta.
'I' Range, Calcutta	1. Special Circle—II, Calcutta. 2. Cases which have been assigned and which will be assigned from time to time by the Board. 3. Special Survey Circle—I, Calcutta. 4. Murshidabad. 5. Companies District—IV, Calcutta. 6. District—VII, Calcutta. 7. Nadia.

Range	Income-tax Circles, Wards and Districts
J' Range, Calcutta	1. District—IV (2), Calcutta. 2. Special Survey Circle—VI, Calcutta. 3. District—VI, Calcutta.
Burdwan Range	1. Burdwan. 2. Birbhum. 3. Asansol. 4. Bankura—Purulia.
Jalpaiguri Range	1. Jalpaiguri Income-tax Circle, Jalpaiguri. 2. Darjeeling Income-tax Circle, Siliguri.
M' Range, Calcutta	1. Special Survey Circle—II, Calcutta. 2. Special Survey Circle—VIII, Calcutta. 3. Special Survey Circle—IX, Calcutta. 4. Howrah.
'N' Range, Calcutta	1. Cases which have been assigned and which will be assigned from time to time by the Board. 2. Midnapore. 3. Special Survey Circle—IV, Calcutta.
'O' Range, Calcutta	1. Cooch-Behar. 2. Refund Circle, Calcutta. 3. District IIIA, Calcutta. 4. District VA, Calcutta. 5. Central Salaries Circle, Calcutta. 6. Railways & Miscellaneous Salaries Circle, Calcutta.
'P' Range, Calcutta	1. West Dinsipur—Malda. 2. District—IV (1), Calcutta.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 14th day of May, 1962.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges in the charge of the Commissioner of Income-tax, West Bengal, Calcutta.

(The note does not form a part of the notification but is merely clarificatory).

[No. 21 (F. No. 50/16/62-IT).]

D. V. JUNNARKAR, Under Secy.

CUSTOMS

New Delhi, the 12th May 1962

S.O. 1392.—In exercise of the powers conferred by clauses (c) and (d) section 11 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby makes the following further amendments to its notification No. 197-Customs dated the 28th June, 1958, namely:—

In the Schedule to the said notification.

(1) for the existing entries relating to wharf No. 21, the following shall be substituted, namely:—

"Cochin Port	21 Cochin Port	2nd Coal berth-R.C. platform	All cargo	Landing and Shipping";
	Authority	40 ft. wide and 350' long; three approach arms, 20 ft. wide and 115' long connecting the platform to shore.		

(2) after the entries relating to wharf No. 21 as so substituted, the following shall be added, namely:—

"Cochin Port	22 Cochin Port Authority	New Wharf on the Ernakulam side of Willingdon Island—Northernmost berth out of the 4 deep water berths under construction, plus 100' length of the wharf at the North and which is shallow the total length being 600' capable of berthing one medium size steamer. The northern and western sides are walled up while on the southern sides construction of the other berths is in progress The Eastern side faces the backwater on the Ernakulam side.	All goods	Landing and Shipping".
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[No. 67/F. No. 54/2/62-Cus. IV.]

S. VENKATESAN, Secy.

COLLECTORATE OF CENTRAL EXCISE, PATNA
(Bhagalpur Division)

NOTICE

Patna, the 12th May 1962

S.O. 1393.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Pakistan border at Pakur Railway Station, were imported by land from Pakistan in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date & place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
1	2	3	4	5	6
I.	I A.M. on 30th December, 1961, 328 Down train at Pakur Railway Station.	1. Shri B. Mukherjee, Dy. Superintendent. 2. Shri V. A. Menon P.I.O., Bhagalpur Divisional Office. 3. Shri Badri Prasad, Sub-Inspector. 4. Shri Tewary, Sepoy. 5. Shri Ambika Singh, Sepoy of Customs and Central Excise.	Cinna- mons in two gunny bags.	Sixty Kilo- grams.	Section 5(1) of the Land Customs Act, 1924, Section 3 of Import Export control act, 1947 and Section 19 of the Sea Customs Act, 1878.

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Bhagalpur Division, Bhagalpur why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) and 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(I)(C) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 15 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(10)2/62.]

H. P. SEN GUPTA, Asstt. Collector.

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE,

PUBLIC NOTICE

CENTRAL EXCISE

Pondicherry, the 24th April, 1962

SUBJECT:—Central Excise—Finance Bill 1962—Imposition of Central Excise duty on certain articles and changes in the existing rates of duty.

S.O. 1394.—It is notified for the information of the Trade that Central Excise duty has been imposed on the undermentioned articles for the first time with effect from 24th April 1962 by the Finance (2) Bill 1962 at the rates noted below against each:—

ANNEXURE I(B)

1962 (April) Budget Proposals at a glance

(NEW ITEMS)

Sl. No.	Commodity	Tariff Item No.	Rate of duty	Duty exemption if any
1	2	3	4	5
1	All products derived from refining of crude petroleum, N.O.S.	11A	5% <i>ad valorem</i> .	
2	Acids (Nitric, Hydrochloric, sulphuric and their anhydrides).	14G	10% <i>ad valorem</i> .	
3	Gases (compressed, liquified or solidified).	14H		(i) Gases used in the same factory for manufacture of other excisable goods not to be charged to duty.
	(i) Oxygen	}	10% <i>ad valorem</i> .	
	(ii) Chlorine			
	(iii) Ammonia		50% <i>ad valorem</i>	(ii) Tariff value for ammonia fixed.
	(iv) Carbonic acid (carbon dioxide)		20% <i>ad valorem</i> .	
	(v) Refrigerant gases, N.O.S.			
4.	Rubber products, the following—	16A		
	(i) Latex foam sponge .		20% <i>ad valorem</i>	* (i) By exemption notification the effective rates of duty on 'Latex, foam 'sponge' and camel back have been fixed as Rs 1.25 per Kg. and 80 nP per Kg. respectively.
5	(ii) Plates, sheets and strips.		20% <i>ad valorem</i>	
	*(ii) All other products have been exempted.			
5	Plywood and allied Products			
	(i) Plywood for tea chests	16B	10% <i>ad valorem</i>	By exemption notification the effective rates of duty on plywood for tea chests has been fixed 30 nP. per Sq. metre.
	(ii) All others		15% <i>ad valorem</i>	
6	Jute manufactures	22A		
	(i) Hessian		Rs. 250 per metric tonne	Yarn waste, waste yarn chindies and rags exempted.
	(ii) All others		Rs. 125 per metric tonne.	

1	2	3	4	5
7	Asbestos cement products .	23C	10% <i>ad valorem</i>	
8	Iron and steel products .	26AA	5% <i>ad valorem</i> , plus duty on pig iron or steel ingots as the case may be.	(i) Iron and steel manufactures if made from duty paid pig iron steel ingots exempted from the duty equivalent to duty leviable under item 25 or 26.
	(i) Bars, rods, coils wires, etc.			(ii) Castings (other than pipes and tubes) of weight below 1 tonne exempted.
	(ii) Plates and sheets including Galvanised or corrugated plates and sheets.		7-1/2% <i>ad valorem</i> plus duty on pig iron or steel as the case may be.	(iii) Products falling under sub-item (ii) to (v) if made from products having paid duty under sub-item to be given benefit of the duty payable under sub-item (i).
	(iii) Uncoated plates and sheets intended for tinning.		Do.	
	(iv) Pipes and tubes, rolled, forged or cast.		5 % <i>ad valorem</i> plus duty on pig iron or steel as the case may be.	
	(v) All other steel castings.		5% <i>ad valorem</i> plus duty on steel ingot.	
9	Electric wires and circles all sorts N.O.S.	33B	15% <i>ad valorem</i>	
	(i) Insulated wires designed to work in circuit of less than 10 amperes and at a pressure not exceeding 250 volts.			
	(ii) All others		5% <i>ad valorem</i>	
10	Gramophones, parts and accessories and gramophone-records.	37A	20% <i>ad valorem</i>	(1) By exemption Notification the following specific rates have been fixed for records and needles.
	(i) gramophones, or record players, including radiograms.			<i>Records :</i>
	(ii) parts and accessories		30% <i>ad valorem</i>	(i) designed to play at revolution exceeding 70 R.P.M. 35 nP.
	(iii) gramophone records all sorts other than matrices.		15% <i>ad valorem</i>	(ii) designed to play at revolutions in excess of 40 but not 70 R.P.M. 70 nP.
	(iv) Matrices for records impressed.		30% <i>ad valorem</i> .	(iii) Others Rs. 2.50 each.
	(v) Needles for style .			Needles if made of steel 25 nP. for every 200 or fraction
	(a) Wholly made of steel		20% <i>ad valorem</i>	
	(b) Others .		25% <i>ad valorem</i>	(2) All parts except the essential ones have been exempted.

2. The manufacturers of the above articles within the state of Pondicherry should:—

- (i) apply to the Collector of Customs and Central Excise, Pondicherry for a Central Excise Licence in form A.L. 4 furnishing the details required therein, for the manufacture, storage and disposal of such excisable commodities;
- (ii) obtain the licence in form L. 4 granted by the competent authority under the jurisdiction of the Collector of Customs and Central Excise Pondicherry;
- (iii) clear such excisable commodities from the factory on payment of the Central Excise duty at the appropriate rates by presenting the application for clearances in the proper form and duly permitted by the proper Central Excise Officer;
- (iv) maintain accounts of the production, storage and clearance of such excisable commodities in the proper form and submit returns in forms R.T. 3, R.T. 4 and R.T. 5; and
- (v) observe all the Central Excise formalities as required under the Central Excises and Salt Act, 1944 and the rules made thereunder.

3. The following changes in the first schedule to the Central Excises and Salt Act, 1944 have been introduced by the Finance (2) Bill 1962 and they are reproduced below for the information of the trade:—

ANNEXURE I(A)

1962 (April) Budget Proposals at a Glance

(EXISTING ITEMS)

Sl. No.	Tariff Item	Commodity	Unit	Existing rate of duty	Proposed rate of duty	Remarks
1	2	3	4	5	6	7
BASIC DUTY						
1	3	(i) Loose tea	Kg.			
		Zone I	„	10 nP.	15 nP.	The zones have been renumbered as I, II, III, IV and V, respectively.
		Zone II	„	15 nP.	25 nP.	
		Zone III A	„	25 nP.	30 nP. (Darjeeling) 35 nP. (Others.)	
		Zone III B	„	35 nP.	45 nP.	The rebate will be given by adjustment in the export duty.
		(ii) Export rebate	„	Nil	15 nP.	
2	4	(i) Unmanufactured tobacco.				
		Sub-items				
		I (1)	Kg.	Rs. 2.50	Rs. 2.60	The entry relating to rawa has been omitted from sub-item I(5).
		I(2)	„	Rs. 16.50	Rs. 16.90	
		I(3)	„	Rs. 2.20	Rs. 2.25	
		I(4)	„	Rs. 2.00	Rs. 2.05	
		I(5)	„	Rs. 1.14	Rs. 2.25 (Rawa) Rs. 1.20 (others)	
		I(6)	„	Rs. 2.20	Rs. 2.25	

1	2	3	4	5	6	7
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(2) Cigarettes :—

Existing tariff to be replaced as below :—

Cigarettes of which the value per 1000.

Date of duty per 1000 cigarettes

		Exceed Rs.	Does not exceed Rs.	Rs.
		(i) 35 . . . . .	..	25.30
		(ii) 25	35	12.95
		(iii) 15	25	6.65
		(iv) 7.50	15	2.90
		(v)	7.50	1.30
3	6	Motor Spirits	Present complete exemption in respect of Benzene, Benzol, Toluene, Toluol, power alcohol and light solvent Naptha used for special industrial purposes modified instead of complete exemption a duty of 5% <i>ad valorem</i> will now be charged.	
4	8	Refined diesel oil and vapourising oil.	The exemption in respect of certain mineral oils falling under this item has also been similarly modified.	
5	11	Asphalt and Bitumen	(i) A new sub-item "Tar" has been added with 27% <i>ad valorem</i> as the rate of duty. (ii) Tar used as fuel in the manufacturing factory exempted from duty.	
6	12	V.N. E. Oils		
		(i) Units employing upto 4 ghanias/Chekkus etc. of Bengal Type or 2 of any other type.	..	Nil
		(ii) Groundnut Oil and castor Oil.	..	Oil produced in such units have been exempted. Compounded rate for these oils will be 15% higher than the rates prescribed for other oils (except coconut oil.)
		(iii) Licence fee—Revised as below.		
		(a) if the duty payable is nil or not more than Rs. 1,000/- in a year.	..	Rs. 75
		(b) if the duty payable in a year exceeds Rs. 1,000.		Rs. 100
6	13	Vegetable Product.		
		Slab exemptions for the first 30,000 quintals withdrawn.		
7	14	Paints and Varnishes.		
		(i) Cellulose Lacquers.		
		This sub-item has been revised ; the effect is that		
		(a) Nitrocellulose ancillaries in liquid form is to be assessed at Rs. 1.40 per litre as nitrocellulose Lacquers :		
		(b) A new sub-item for other cellulose lacquers has been provided—rate of duty Rs. 1.40 per litre.		
8	14D	Dyes : Tariff definition changed.		
9	14E	Patent and Proprietary Medicines.		
		(i) Definition changed to include branded medicines.		
		(ii) Rate of duty	10% 7½%	By notification

1	2	3	4	5	6	7
10	14E	Cosmetics and Toilet preparations.				Condition of eligibility for the exemptions slightly changed.
11	15	Soap— Exemption revised and reduced as below :— (i) Soap produced with the aid of power (a) Household and laundry soap—50 tonnes. (b) Toilet, monopole or textile soap—25 tonnes (ii) Soap produced without the aid of power :— (a) first 100 tonnes—free (b) next 200 tonnes—	Complete exemption.			partial exemption at the current concessional rates.
12	15A	Plastics : A new sub-item "(iii) Not otherwise specified" has been added.				
13	17	Paper— (i) Newsprint (ii) Straw board (iii) Pulp board NOS		Exemption withdrawn. Exemption limits rounded up to 125 and 375 metric tonnes respectively. (a) Exemption limits rounded up. (b) Exemption will be available only to such manufacturer whose annual output of all paper and paper board taken together does not exceed 5000 metric tonnes.		
14	18	Rayon and synthetic fibre and yarn.— Tariff rate . Kg.		Rs. 3.35	Rs. 4.50	
		Effective rate :				
		(1) Rayon yarn				
		(i) Below 75 deniers . Kg.		Rs. 3.00	Rs. 4.00	
		(ii) 75—100 deniers } . "		2.25	3.00	
		(iii) above 100 kg. . "		1.50	2.00	
		(2) Staple fibre yarn . "		Nil	Nil	
		(3) Staple fibre . "		0.75	1.00	
		(4) Godet waste . "		0.75	1.00	
15	18A	Cotton yarn— Tariff rates— (1) of 35 or more counts . Kg.	15 nP.		30 nP.	
		(2) of less than 35 counts . Kg.	10 nP.		15 nP.	
		Effective Rates :				
		(1) of 48 or more counts . Kg.	15 nP.	27 nP.		Effective rate fixed by notification.
		(2) of 35 or more but less than 48 counts . Kg.	15 nP.	18 nP.		Yarn issued in hank will have concession of 10 nP per kg. so that the effective rate per kg. for such yarn.
		(3) of 17 or more but less than 35 counts . Kg.	10 nP.	13.5 nP.		Will be 17 nP. 8 nP. 3.5 nP. and nil respectively.

1	2	3	4	5	6	7
		(4) of less than 17 counts	kg.	10 nP.	10 nP.	Compounded rates have been fixed separately.
16	18B	Woollen yarn				
		(a) Tariff rate				
		(1) Worsted yarn	.	10% <i>ad valorem</i>	15% <i>ad valorem</i>	
		(2) Others	.	5% <i>ad valorem</i>	7.5% <i>ad valorem</i>	
		(b) Compounded rates :				
		(1) Worsted yarn				
		(a) of 60 counts	Kg.	2.10	3.25	
		<i>ad valorem.</i>				
		(b) of less than 60 counts	Kg.	1.60	2.50	
		(2) Others	Kg.	0.40	0.60	
17	19	Cotton fabrics				
		(a) Duty at grey stage	SQ. metre	Rs. nP.	Rs. nP.	
		(1) Superfine	" "	29.3	27.5	
		(2) Fine	" "	22.1	0.20	
		(3) Medium A	" "	9.0	0.08	
		(4) Medium B	" "	6.0	0.05	
		(5) Coarse	" "	4.8	0.03	
		(b) Differential duty on processed cloth				
		(1) Bleaching	" "	1nP.	5 nP.	For bleaching dyeing & printing.
		(2) Dyed, printed, mercerised.	" "	3nP.		
		(3) Shrink-proofing etc.	" "	6nP.	25 nP.	for all other processes.
		(c) Powerloom—				
			(i) manufacturers employing upto 4 powerlooms			exempted.
			(ii) Revised compounded rates fixed for manufacturers employing 5 to 49 looms.			
			(iii) if 50 or more powerlooms are installed to pay the standard rates.			
18	21	Woollen Fabrics				
		The following changes have been made by notification :—				
		(i) unprocessed fabrics have been exempted from duty, including additional duty and handloom cess.				
		(ii) processed fabrics will pay basic duty @ 5% <i>ad valorem</i> and the additional duty and handloom cess at existing rates.				
		(iii) Compounded levy allowed to smaller units is being withdrawn.				
19	22	Rayon and Artsilk fabrics.				
		As in the case of woollen fabrics, the following changes have been made by notification in this case also :—				
		(i) Unprocessed fabrics completely exempted.				
		(ii) processed fabrics to pay basic duty at 3.5 nP. per sq. metre and additional duty and handloom cess at the full tariff rates.				
		(iii) Compounded levy system is being withdrawn.				
20.25		Pig iron				
21.26		Steel ingots				
						Pig iron and steel ingots made from old scrap or scrap of duty paid metal have been exempted.
22.26A		Copper and alloys.				
		(i) Crude metal	Tonne	Rs. 100		This is a new sub-item if made from duty paid crude metal the effect rate will be Rs. 200/- per tonne.
		(ii) Manufactured	"	Rs. 300	Rs. 300	

1	2	3	4	5	6	7
		<i>Aluminium.</i>				
		(i) foils	. Tonne	Rs. 500	Rs. 600	This has been put in a separate sub-item.
24	..	Air conditioning machinery Refrigerators	}	These two items have been combined with a new tariff description and the scope has been somewhat widened.		
		(i) Complete		20% <i>ad valorem</i>	20% <i>ad valorem</i>	
		(ii) Parts	.	20% <i>ad valorem</i>	30% <i>ad valorem</i>	by notification, but certain essential parts have been exempted.
25	30	Electric Motors	.	An explanation has been added to this item to exclude electric motors used in gramophones from the scope of this item.		
26	31	Electric Batteries. Plates produced in a factory employing not more than 5 workers.		Nil	10% <i>ad valorem</i>	By notification.
27	32	Electric Bulbs Miniature bulbs	No	Nil	Rates varying from 2 nP. to 10nP. each.	The exemption has been modified.
28	33A	Wireless receiving sets	.	..	..	Specific rates of duty have been fixed by exemption notification.
29	34	Motor-Vehicles. sub-items				
		(i) Auto cycles etc.	.	No. Rs. 175 each.	Rs. 175 or 7½% <i>ad valorem</i> whichever is higher.	
		(2) Motor Vehicles of not more than 16 H.P.	No.]	Rs. 1000	Rs. 1000 or 10% <i>ad valorem</i> whichever is higher.	
30	38	Matches.	.	The effective rates of matches for 50's. have been increased roughly by 50 nP. per gross. except in the case of 'B' class factories where the increase is 47 nP. per gross. Rates for matches of 40's (bamboo splints) have also been proportionately increased.		

The introduction of excise duties as aforesaid on new articles and changes in the existing rates of Central Excise duty in respect of the aforesaid items come into force from the mid-night of the 23rd/24th April, 1962.

[No. 2/1962.]

M. V. N. RAO, Collector

MINISTRY OF COMMERCE & INDUSTRY

New Delhi, the 3rd May 1962

S.O. 1395.—In exercise of the powers conferred by section 14 of the Standards of Weights and Measures Act, 1956 (89 of 1956), the Central Government hereby

makes the following amendment in Notification of the Government of India in the Ministry of Commerce and Industry S.O. 1222 dated the 30th May, 1961, namely:—

In the said notification, for the words "not exceeding one year", the words "not exceeding sixteen months" shall be substituted.

[No. SMC-15(3)/62.]

K. V. VENKATACHALAM, Jt. Secy.

New Delhi, the 4th May 1962

S.O. 1396.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by The Ludhiana Grain Exchange Limited, Ludhiana, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 5 of the said Act, recognition to the said Exchange for a period of three years ending the 11th May, 1965 in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(4)-TMP/FMC/62.]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDER

New Delhi, the 5th May 1962

S.O. 1397.—In exercise of the powers conferred by Section 5 of the Essential Commodities Act, 1955, the Central Government hereby directs that the power to make orders under clauses (f) and (j) of sub-section (2) of Section 3 of the said Act shall, in relation to any non-ferrous metal to which the Non-Ferrous Metals Control Order 1958 for the time being applies, be exerciseable also by the Development Officer (Metals)—Dr. P. Dayal.

This is in supersession of S.O. No. 2163, dated the 28th September, 1959, and will take effect from 7th May 1962.

[No. 5(2)/MET/62.]

N. CHIDAMBARAM, Dy. Secy.

New Delhi, the 7th May, 1962

S.O. 1398.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules namely :—

1. **Short title.**—These rules may be called the Small Scale Industries Organisation (Class III—Ministerial Posts) Recruitment Rules, 1962.
2. **Application.**—These rules shall apply for recruitment to the posts in the Small Scale Industries Organisation specified in column 2 of the Schedule annexed hereto.
3. **Number, classification and scale of pay.**—The number of posts, their classification and the scales of pay attached to them shall be as specified in columns 3 to 5 of the said Schedule.
4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 6 to 12 of the Schedule aforesaid :

Provided that the maximum age limit prescribed for direct recruitment may be relaxed in the case of persons belonging to the Scheduled Castes/Tribes, and other special categories in accordance with the orders issued by the Central Government from time to time.

5. **Disqualification.**—(1) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the posts.

(2) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the posts :

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

SCHEDULE

(See rules 2, 3 and 4)

Serial No.	Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or transfer and percentage of vacancies to be filled by various methods	In case of rectt. by promotion/transfer, grades from which promotion to be made
1	2	3	4	5	6	7	8	9	10	11	12
1	Gestetner Operator (Senior) Headquarters Office . . . 1 Small Industries Service Institute, Bombay . . . 1	2	Class III Ministerial (Non-gazetted)	Rs. 110-3-125	Non-selection	Not applicable	Not applicable	Not applicable	One year	Cent percent by promotion failing which by transfer.	By promotion of gestetner operator (junior) with not less than three years' experience in the grade. By transfer of persons in similar or equivalent grade from other Central Govt. Offices.

[No. 25-SSI(c)(29) 61.]

K. N. R. PILLAI, Under Secy.

ORDER

New Delhi, the 5th May 1962

S.O. 1399/IDRA/6/17.—In pursuance of Clause (C) of Rule 2 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri N. Narasimhan, Assistant Development Officer, Development Wing, New Delhi, as the Secretary of the Development Council established by the Order of the Government of India in the Ministry of Commerce & Industry No. S.O. 1258 dated the 17th April, 1962 for the scheduled industries engaged in the manufacture or production of Paper, Pulp and Allied Industries, with effect from the 17th April, 1962.

[No. 4(38)L.Pr./61.]

CORRIGENDUM

New Delhi, the 5th May 1962

S.O. 1400.—In the Ministry of Commerce and Industry Order No. S.O. 819 dated the 16th March 1962 (as amended from time to time), published in Part II Section 3 Sub-Section (ii) of the Gazette of India dated the 24th March, 1962:

For 21. Shri J. K. Jayawant, Secretary, Rashtriya Mill Mazdoor Sangh, 25, Government Gate Road, Parel, Bombay-12.

Read 21. Shri G. K. Jayawant, Secretary, Rashtriya Mill Mazdoor Sangh, Parel Tank Road, Parel, Bombay-12.

[No. 1(3)L.Pr./62.]

B. R. ABHYANKER, Under Secy.

PATENTS AND DESIGNS

New Delhi, the 4th May 1962

S.O. 1401.—In exercise of the powers conferred by section 72 of the Indian Patents and Designs Act, 1911 (2 of 1911), the Central Government hereby appoints the Director, Indian Institute of Technology, Kharagpur, for the purposes of the said section and makes the following further amendment in the notification of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 681 dated the 23rd March, 1955, namely:—

In the said notification, after item No. (25), the following item shall be added, namely:—

“(26) The Director, Indian Institute of Technology, P.O. Kharagpur Technology, Kharagpur, S. E. Rly.”

[No. 16(5)-TMP/62.]

J. C. ELING, Under Secy.

(Indian Standards Institution)

New Delhi, the 30th April 1962

S.O. 1402.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed, has been established during the period 16th April to 30th April 1962.

THE SCHEDULE

Sl No	No and Title of the Indian Standard established	No and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS 1931-1962 Specification for Animal Casings for Sausages		This standard prescribes the requirements and the methods of test for animal casings derived from sheep and goats, cattle and hogs (Price Rs 2 50)

Copies of this Indian Standard are available, for sale, with the Indian Standards Institution Manak Bhavan, 9, Mathura Road New Delhi-1, and also at its Branch Offices at (i) 232 D1 Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11, Sooterkun Street, Calcutta-13, (iii) 2/21, First Line Beach, Madras-1, and (iv) 14/69, Civil Lines, Kanpur

[No MD/13 2]

S O. 1403.—In partial modification of the rate of marking fee for Macaroni, Spaghetti and Vericelli, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution), Notification No S O 773, dated 28th March 1961, published in the Gazette of India, Part II—Section 3—Sub-section (ii), dated the 8th April 1961, the Indian Standards Institution hereby notifies that the marking fee per unit for Macaroni, Spaghetti and Vermicelli details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 15th April 1962

THE SCHEDULE

Sl No	Product/Class of Product	No and Title of relevant Indian Standard	Unit	Marking Fee per Unit
1	Macaroni, Spaghetti and Vermicelli	IS 1485-1959 Specification for Macaroni, Spaghetti and Vermicelli	One kg	2 nP per unit with a minimum of Rs 1,000 00 for production during a calendar year


[No MD/18 2]

New Delhi, the 3rd May 1962

S O 1404—In partial modification of the Standard Marks notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No S O 420, dated the 11th February 1959 published in the Gazette of India, Part II Section 3—sub-section (ii), dated the 21st February 1959, the Indian Standards Institution hereby notifies that the Standard Marks for Antifriction Bearing Alloys all grades, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, have been specified.

These Standard Marks for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product Class of Product	No. and Title of relevant Indian Standard	Verbal Description of the design of the Standard Mark
		Antifriction Bearing Alloys	IS: 25-961 Specification for Antifriction Bearing Alloys.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being inscribed on the top side of the monogram and the relevant grade designation being subscribed under the bottom side of the monogram as indicated in the design for 'GRADE I' in column (2).

[No. MD/17:2.]

C. N. MODAWAL,
Head of the Certification Marks Division.

ERRATA

S.O. 1405.—In the Ministry of Commerce & Industry (Indian Standards Institution) Notification, Part II, Section 3, Sub-section (ii), dated 5th February 1962, published in the Gazette of India, dated 7th April 1962; the following mistakes may be corrected:—

- Page 1114, S. No. 11, col. 5, line 2
for 'Road' read 'Row'.
- Page 1116, S. No. 6, col. 7, line 1
for 'IS: 561-1953' read 'IS: 561-1958'.

S.O. 1406.—In the Ministry of Commerce & Industry (Indian Standards Institution) Notification published under S.O. 909 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 31st March 1962, the following printing mistake may be corrected:—

- S. No. 5 Col. 4, line 1,
for 'IS: 114991-57'
read 'IS: 1149-1957'.

MINISTRY OF STEEL & HEAVY INDUSTRIES**(Department of Iron & Steel)***New Delhi, the 5th May 1962*

S.O. 1407/ESS.COMM/Iron & Steel-AM(59).—The following Notification issued by the Iron and Steel Controller under Sub-clause 1 of Clause 27 of the Iron and Steel (Control) Order, 1956, is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by Sub-clause 1 of Clause 27 of the Iron and Steel (Control) Order, 1956 and with the approval of the Central Government, the Iron and Steel Controller hereby notifies the following amendment to the prices under schedule V—defectives and scrap of the Ministry of Steel, Mines & Fuel, Iron and Steel Control, Calcutta Notification No. ISC/AP/6260 published in Part III, Section 1 of the Gazette of India dated 24th December 1960:—

Amendment

Under Part III—Melting scrap,

Item No. 10,

For the existing entries substitute the following:—

<u>Rate per M/Ton at all Rallhead Stations in India</u>			
	<u>Col. I</u>	<u>Col. II</u>	<u>Col. III</u>
10. Ingot Mould Scrap (50 Kg. and under)	Rs. 192/-	Rs. 207/-	—

A. N. BANERJI,

Iron and Steel Controller."

[No. SC(C)-2(147)/60.]

J. S. BAIJAL, Under Secy

(Department of Iron and Steel)*New Delhi, the 7th May 1962*

S.O. 1408/ESS.COMM/IRON & STEEL/4, 5, 7, 18 & 20.—The following Notifications issued by the Government of India and published in the Gazette of India, Part II, Section 3, are hereby cancelled:—

1. No. S.R.O. 657/ESS.COMM/IRON AND STEEL—4, 5, 18 and 20 dated 23rd February, 1957 issued by the late Ministry of Heavy Industries and published in the Gazette of India dated the 2nd March, 1957.
2. No. S.O. 2510/ESS. COMM/IRON AND STEEL—4, 5 & 7 dated the 4th November, 1959 issued by the late Ministry of Steel, Mines and Fuel in the Gazette of India dated the 14th November, 1959.
3. No. S.O. 209/ESS.COMM/IRON AND STEEL—4, 5 & 7 dated the 15th January, 1960 issued by the late Ministry of Steel, Mines and Fuel and published in the Gazette of India dated the 23rd January, 1960.
4. No. S.O. 2322/ESS.COMM/IRON AND STEEL—4, 5 & 7 dated the 15th September, 1960 issued by the late Ministry of Steel, Mines and Fuel and published in the Gazette of India dated the 24th September, 1960.
5. No. S.O. 439/ESS.COMM/IRON AND STEEL—4, 5, 18 & 20 dated the 16th February, 1961 issued by the late Ministry of Steel, Mines and Fuel and published in the Gazette of India dated the 25th February, 1961.

[No. SC(A)-1(55)/62.]

H. S. GILL, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE**(Department of Agriculture)***New Delhi, the 30th April 1962*

S.O. 1409.—In exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, the same having been previously published as required by the said Section.

MYROBALAN GRADING AND MARKING RULES, 1962

1. Short title and application.—(1) These rules may be called the Myrobalan Grading and Marking Rules, 1962.

(2) They shall apply to Myrobalan (*Terminalia chebulla*) produced in India.

2. Definitions.—In these rules,—

(a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(b) "Schedule" means a Schedule to these rules.

3. Grade designations.—Grade designations to indicate the quality of Myrobalan shall be as set out in column 2 of schedules I to IV.

4. Definition of quality.—The special and general characteristics of the quality indicated by such grade designations shall be as set out in columns 3 to 6 of Schedules I to IV.

5. Grade designation marks.—The grade designation mark shall consist of a label bearing a design (consisting of an outline map of India with the word "AGMARK" and the figure of rising sun with the words "Produce of India") resembling that set out in Schedule V and specifying the grade designation.

6. Method of marking.—(1) The grade designation mark shall be securely applied to each container in a manner approved by the Agricultural Marketing Adviser. In addition to the grade designation mark, each container shall be marked with such particulars and in such manner as may be specified by the said officer from time to time.

(2) An authorised packer may after obtaining the previous approval of the Agricultural Marketing Adviser mark his private trade mark on a container in a manner approved by the said officer; provided that the private trade mark does not represent a quality or grade of myrobalan different from that indicated by the grade designation mark affixed on the container in accordance with these rules.

7. Method of packing.—(1) Sound and clean jute gunnies shall be used for packing myrobalans and these shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

(2) Each package or container shall contain only myrobalans of one grade designation only. Where more than one package is put in a large container, all the packages shall bear Agmark labels and the outer container shall also bear the Agmark label.

8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the conditions set out in Schedule VI shall be the conditions of every Certificate of Authorisation issued for the purpose of these rules.

SCHEDULE I

(See rules 3 and 4)

Grade designations and definition of quality of whole myrobalan nuts commercially known as 'Jubulpores' grown in the States of Madhya Pradesh, Bihar, Orissa and Andhra Pradesh

Trade Name	Grade Designation	Special characteristics			General characteristics
		Colour	*Extraneous matter not exceeding (by weight)	Tolerance	
(1)	(2)	(3)	(4)	(5)	(6)
1. Jubulpore No. I Special	J.I.S.	Yellow to yellowish brown	1 percent	Shall not contain more than 5 per cent 'Jubulpore No. II'.	Shall be sound and solid nuts free from insect attack and/or broken nuts
2. Jubulpore No. I.	J.I.	Do.	2.5 percent	Shall not contain more than 15 per cent 'Jubulpore No. II'.	Do.
Jubulpore Average	J.A.	Yellowish to brownish black	3.0 percent	Shall not contain more than 25 per cent decayed and hollow nuts.	Do.
4. Jubulpore No. II	J.II	Brownish black	5 percent	..	..

*This comprises dust, crushed matter, seeds and other foreign matter.

SCHEDULE II

(See rules 3 and 4)

Grade designations and definition of quality of crushed myrobalan derived from whole nuts commercially known as 'Jubulpores' grown in the States of Madhya Pradesh, Bihar, Orissa and Andhra Pradesh

Trade name	Grade designation	Special characteristics			General characteristics
		*Myrobalan dust not exceeding (by weight)	**Chicken feed not exceeding (by weight)	Kernel seeds not exceeding (by weight)	
(1)	(2)	(3)	(4)	(5)	(6)
1. Crushed No.I International	C.I.I.	2½ percent	10 percent	3 percent	Shall be made from whole nuts J. I. S. quality of Schedule I.
2. Crushed No.I	C.I.	5 percent	15 percent	4 percent	Shall be made from whole nuts of 'Jubulpore Average' (J. A.) of Schedule-I
3. Crushed Average	C. A.	10 percent	20 percent	5 percent	

*Anything passing through 16 mesh sieve.

**Anything passing through 8 mesh sieve.

SCHEDULE III

(See rules 3 and 4)

Grade designations and definition of quality of whole myrobalan nuts commercially known as "Bhimlis" grown in the States of Maharashtra and Mysore

Trade Name	Grade designation	Special characteristics			General characteristics
		Colour	*Extraneous matter not exceeding (by weight)	Tolerance	
(1)	(2)	(3)	(4)	(5)	(6)
1. Bhimlis Fine	B.F.	Greenish to yellowish	1 percent	5 percent of next lower grade	Shall be sound and solid nuts free from insect attack and/or broken nuts.
. Bhimlis No.1	B.I.	Yellow to brownish	1 percent	Shall not contain more than 5 percent hollow and decayed nuts.	Shall be sound and solid nuts free from insect attack and/or broken nuts.
. Bhimlis Average	B.A.	Do.	2.5 percent	Shall not contain more than 25 percent hollow and decayed nuts.	Do.

*This comprises dust, dirt, crushed matter, seeds and other foreign matter.

SCHEDULE IV

(See rules 3 and 4)

Grade designations and definition of quality of whole myrobalan nuts commercially known as "Rajapores" grown in Maharashtra and Mysore States

Trade name	Grade designation	Special characteristics			General characteristics
		Colour	*Extraneous matter not exceeding (by weight)	Tolerance	
(1)	(2)	(3)	(4)	(5)	(6)
1. Rajapore No. I.	R.I.	Brownish to brownish black	1 percent	Shall not contain more than 6 percent decayed and hollow nuts.	Shall be sound and solid nuts free from insect attack and/or broken nuts.
2. Bombay J.I.	B.J.I.	Brownish black to black	5 percent	Shall not contain more than 50 percent hollow and decayed nuts.	
3. Rajapore No. 2.	R. II.	Do.	10 percent	..	..

*This comprises dust, dirt, crushed matter, seeds and other foreign matter.

SCHEDULE V

(See Rule 5)

MAP OF INDIA



NOTE.—The Tamil and Telugu words will not occur in the labels in case where commodities are graded for the purpose of export.

SCHEDULE VI

(See Rule 8)

(1) An authorised packer shall make such arrangements for testing myrobalans as may be prescribed, and samples thereof shall be forwarded to such control laboratory as may be notified from time to time by the Agricultural Marketing Adviser to the Government of India.

(2) An authorised packer shall provide such facilities to Inspecting Officers duly authorised by the Agricultural Marketing Adviser to the Government of India, for the sampling, testing and affixation of grade designation marks as may be prescribed from time to time by the Agricultural Marketing Adviser to the Government of India.

(3) All instructions regarding the methods of sampling, analysis, packing etc. which may be issued by the Agricultural Marketing Adviser to the Government of India, shall be strictly observed.

S.O. 1410.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, the same having been previously published.

CARDAMOM GRADING AND MARKING RULES, 1962

1. Short title and application.—(1) These rules may be called the Cardamom Grading and Marking Rules, 1962.

(2) They shall apply to Cardamom *Elettaria cardamomum* produced in India and intended for export.

2. Definitions.—In these rules:—

(a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(b) "Schedule" means a Schedule to these rules.

3. Grade Designations.—Grade designations to indicate the quality of Cardamom shall be as set out in column 1 of Schedules I to VI.

4. Definition of quality.—The quality indicated by the grade designations shall be as set out against each designation in Schedules I to VI.

5. Grade Designation Marks.—The Grade designation mark shall consist of a label bearing a design (consisting of an outline map of India with the word 'AGMARK' and the figure of rising sun with the words "Produce of India") resembling that set out in Schedule VII.

6. Method of Marking.—(1) The grade designation mark shall be securely applied to each container in a manner approved by the Agricultural Marketing Adviser. In addition to the grade designation mark, each container shall be marked with such particulars and in such manner as may be specified by the aforesaid officer from time to time.

(2) An authorised packer may, after obtaining the previous approval of the Agricultural Marketing Adviser, mark his private trade mark on a container in a manner approved by the said Officer, provided that the private trade mark does not represent a quality or grade of cardamom different from that indicated by the grade designation mark affixed on the container in accordance with these rules.

7. Method of Packing.—(1) Cardamom capsules shall be packed in clean and sound containers e.g. wooden cases suitably lined with water-proof or craft paper or new jute bags with water-proof lining.

Cardamom Seeds shall be packed in clean and dry tin plate containers or wooden cases lined with water-proof or craft paper.

(2) Each container shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

(3) Each package or container shall contain only goods of the crop of the year specified and of one grade designation only. Where more than one package is put in a large container, all the packages shall bear Agmark labels and the outer container shall also bear an Agmark label indicating particulars of the contents.

8. Special Conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the conditions set out in Schedule VIII shall be the conditions of every certificate of authorisation issued for the purpose of these rules

SCHEDULE I

(See rules 3 and 4)

Grade, designations and definitions of quality of ALLEPPY GREEN Cardamoms*

Grade designation	Trade Name	Special characteristics			Weight in G./L. Minimum	General characteristics
		Empty and malformed capsules, percent by count, Maximum	Immature and shrivelled capsules, percent by weight, Maximum	Size Diameter of holes in m.m. of the sieve on which retained Tolerance ± 5 percent		
1	2	3	4	5	6	7
AGS	Cardamom Superior	4.0	0.0	5.0	385	The cardamoms shall be the dried capsules of <i>Elettaria cardamom</i> grown in South India kiln dried ;
AGS 1	Shipment Green 1	3.0	7.0	4.0	350	having a reasonably uniform shade of green colour three cornered and having a ribbed appearance.
AGS 2	Shipment Green 2	5.0	7.0	4.0	320	The capsules shall be free from visible mould and insect infestation.
AGL	Light	..	..	..	260	Thrip marks alone on the capsules shall not lead to the conclusion that the capsules have been infested by insects.

*Tolerance of grey and cream colours upto 25 per cent permitted.

Definition of terms:—

Empty and malformed capsules.—Capsules which have no seeds or are scantily filled with seeds. For this purpose 100 capsules selected at random from the sample shall be opened out, and the number of empty and malformed capsules counted.

Immature and shrivelled capsules.—Capsules which are not fully developed.

SCHEDULE II

(See rules 3 and 4)

Grade, designations and definitions of quality of COORG CLIPPED CARDAMOMS.

Grade Designation	Trade Name	Special characteristics				Weight G./L. Minimum	General characteristics
		Empty and malformed capsules percent by count Maximum	Unclipped capsules percent by count Maximum	Immature and shrivelled capsules percent by weight Maximum	Size (Diameter of holes in m.m. of the sieve on which retained Tolerance ± 5 per cent.		
1	2	3	4	5	6	7	8
CC 1	Bold	5.0	0.0	0.0	8.5	435	The Cardamoms shall be the dried capsules of <i>Elettaria</i> .
CC 2	Coorg Green or Motta Green	5.0	3.0	4.0	6.0	385	Cardamom grown in Mangalore and Coorg districts of Mysore ;
CC 3	Shipment	3.0	5.0	7.0	4.0	350	colour ranging from pale yellow to brown; global shape skin ribbed or smooth ; the pedicels separated. The capsules shall be free from visible mould and insect infestation. Thrip marks alone on the capsule shall not lead to the conclusion that the capsules have been infested by insects.
CC 4	Light	..	..	..	3.5	260	

Definition of terms

Empty and malformed capsules.—Capsules which have no seeds or are scantily filled with seeds.

For this purpose 100 Capsules selected at random from the sample shall be opened out and the number of empty and malformed Capsules counted.

Immature and shrivelled capsules.—Capsules which are not fully developed.

Unclipped Capsules.—Capsules in which the tips have not been trimmed.

SCHEDULE III

(See Rules 3 and 4)

Grade, designations and definitions of quality of BLEACHED OR/AND HALF BLEACHED Cardamom.

Grade designation	Special characteristics				General characteristics
	Empty and malformed capsules; per cent by count Maximum	Immature and Shrivelled capsules per cent by weight Maximum	Size (Diameter of holes in mm. of the sieve on which retained) Tolerance ± 5 per cent Maximum	Weight G/L Maximum	
(1)	(2)	(3)	(4)	(5)	(6)
BL 1 . . .	0.0	0.0	8.5	340	The cardamom shall be the fully developed dried capsules of <i>Elettaria cardamomum</i> .
BL 2 . . .	0.0	0.0	6.0	340	bleached and/or half bleached by sulphuring; Colour ranging from pale cream to white;
BL 3 . . .	0.0	0.0	4.0	280	Global or three cornered with skin ribbed or smooth. The capsules shall be free from visible mould and insect infestation. Thrip marks alone on the capsules shall not lead to the conclusion that the capsules have been infested by insects.

Definition of terms.—

Empty and malformed Capsules.—Capsules which have no seeds or are scantily filled with seeds. For this purpose 100 Capsules selected at random from the sample shall be opened out and the number of empty and malformed Capsules counted.

Immature and Shrivelled Capsules.—Capsules which are not fully developed.

SCHEDULE IV

(See Rules 3 and 4)

Grade designation and definitions of quality of LEA CHABLE WHITE Cardamoms

Grade designation	Trade name	Special characteristics				General characteristics
		Empty and malformed capsules percent by count	Immature and shrivelled capsules percent by weight	Size, (Diameter) of holes in m.m. on which retained	Weight G./L. Minimum	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
BW 1	Mysore/Mangalore Bleachable Cardamom A. Clipped	1.0	0.0	7.0	460	The cardamoms shall be the fully developed dried capsules of <i>Ellettaria Cardamomum</i> grown in Mysore State with a reasonable.
BW 2	Mysore/Mangalore Bleachable Cardamom A. Unclipped	1.0	0.0	7.0	460	uniform shade of white, light green or light grey colour and suitable for bleaching.
BW 3	Mysore/Mangalore Bleachable Bulk Cardamom Clipped	2.0	0.0	4.3	435	The capsules shall be free from visible mould and insect infestation.
BW 4	Mysore/Mangalore Bleachable Bulk Cardamom-Unclipped.	2.0	0.0	4.3	435	Thrip marks along on the capsules shall not lead to the conclusion that the capsules have been infested by insects.

Definition of terms.—

Empty and malformed capsules.—Capsules which have no seeds or are scantily filled with seeds. For this purpose 100 capsules selected at random from the sample shall be opened out and the number of empty and malformed capsules counted.

Immature and shrivelled capsules.—Capsules which are not fully developed.

SCHEDULE V

(See Rules 3 and 4)

Grade designations and definitions of quality of ALLEPPEY CARDAMOM SEEDS

Grade designation	Trade name	Special characteristics			General characteristics
		Extra- neous matter percent by weight Maximum	**Light seeds percent by weight Maximum	Weight in G./L. Minimum	
(1)	(2)	(3)	(4)	(5)	(6)
AS 1	Prime ¹	1.0	3.0	675	Shall be the decorticated and dry seeds of any variety of <i>Elettaria cardamomum</i> grown in Kerala
AS 2	Shipment	2.0	5.0	460	State and the Southern districts of Madras State.
AS 3	*Broken ²	5.0	..	..	The seeds shall be free from visible mould and insect infestation.

Definition of terms—

¹*Broken².—Include brown, red, immature and shrivelled seeds.

Extraneous matter.—Includes calyx pieces, stalk bits and other foreign matter.

²**Light seeds.—Include seeds brown or red in colour and broken, immature and shrivelled seeds³

SCHEDULE VI

(See Rules 3 and 4)

Grade designations and definitions of quality of MANGALORE CARDAMOM SEEDS

Grade designation	Trade Name	Special characteristics			General characteristics
		Extra- neous matter percent by weight Maximum	**Light seeds Percent by weight Maximum	Weight in G./L. Minimum	
(1)	(2)	(3)	(4)	(5)	(6)
MS 1	Prime	1.0	3.0	675	Shall be the decorticated and dry seeds of any variety of <i>Elettaria cardamomum</i> grown in Mangalore and Coorg districts of Mysore State.
MS 2	Shipment	2.0	5.0	460	The seeds shall be free from visible mould and insect infestation.
MS 3	*Broken ²	5.0	..	..

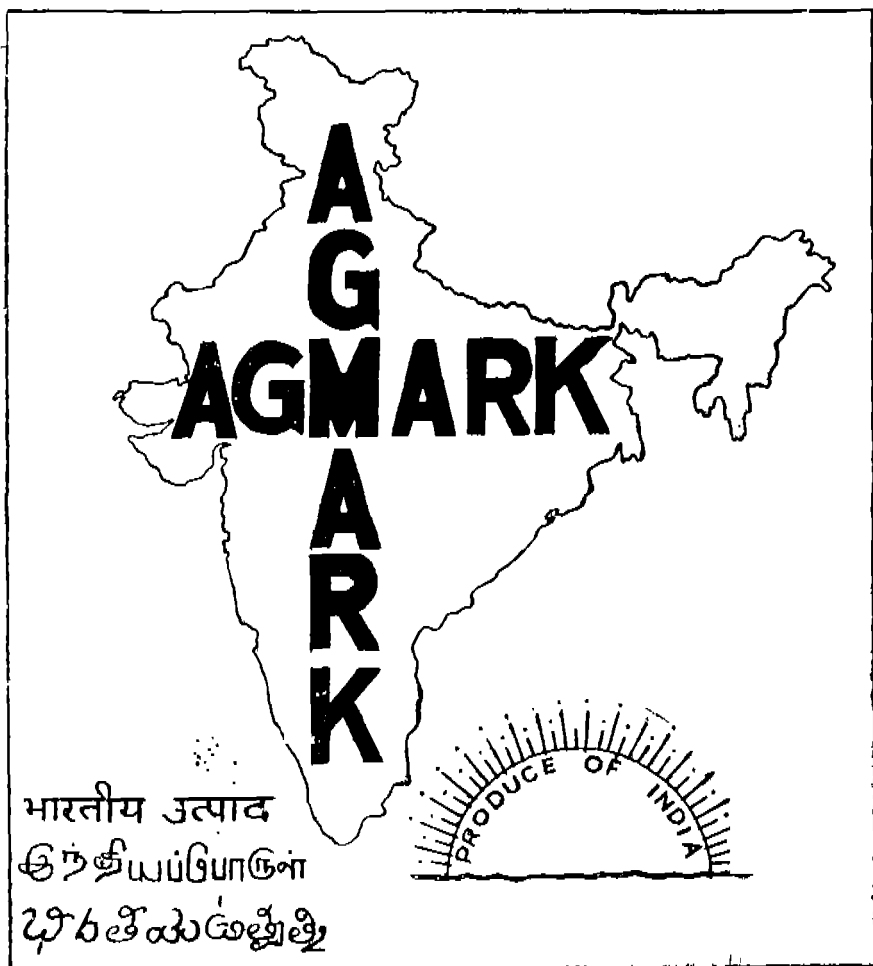
Definition of terms :—

¹*Broken².—Include brown, red, immature and shrivelled seeds.

Extraneous matter.—Includes Calyx pieces, stalk bits and other foreign matter.

²**Light seeds.—Include seeds brown or red in colour and broken, immature and shrivelled seeds.

SCHEDULE VII
(See Rule 5)
MAP OF INDIA



NOTE.—The Tamil and Telugu words will not occur in the labels in case where commodities are graded for the purpose of export.

SCHEDULE VIII
(See Rule 8)

(a) An authorised packer shall make such arrangements for testing Cardamoms as may be prescribed, and samples thereof shall be forwarded to such control laboratory as may be notified from time to time, by the Agricultural Marketing Adviser.

(b) An authorised packer shall provide such facilities to Inspecting Officers duly authorised by the Agricultural Marketing Adviser for sampling, testing and affixation of grade designation marks, as may be prescribed from time to time.

(c) All instructions regarding the methods of sampling and analysis, sealing and marking the containers and maintenance of records, etc. which may be issued from time to time by the Agricultural Marketing Adviser shall be observed.

[No. F. 17-12/61-AM(1).]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 3rd May 1962

S.O. 1411.—In pursuance of the provisions of clause (f) of section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944) the Government of India have been pleased to appoint the Joint Secretary to the Government of India, Ministry of Finance, Agriculture Division, New Delhi as a member of the Indian Central Coconut Committee for the period ending 31st March 1965.

[No. 12-2/62-Com.I.]

S.O. 1412.—In pursuance of the provisions of clause (f) of section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944) the Government of India have been pleased to appoint the Agricultural Commissioner with the Government of India, New Delhi-1/Additional Agricultural Commissioner with the Government of India, New Delhi-1 as a member of the Indian Central Coconut Committee for a period of three years ending 31st March 1965.

[No. 12-2/62-Com.I.]

New Delhi, the 5th May 1962

S.O. 1413.—The Government of Madhya Pradesh having nominated the Oilseeds Development Officer, Directorate of Agriculture, Bhopal and renominated Shri Suresh Chandra, Secretary, Madhya Pradesh Young Farmer's Association, Goteagaon District, Narsingpur, as members of the Indian Central Oilseeds Committee to represent the State Government and the Oilseeds growers of the State respectively under Sub-Section (e) and (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby notifies that the aforesaid persons shall be members of the said Committee for the period ending 31st March, 1965.

[No. 8-22/62-Com.II.]

SANTOKH SINGH, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 1st May 1962

S.O. 1414.—In exercise of the powers conferred by clause (f) of section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby nominates the following persons as members of the Dental Council of India with effect from the 5th August, 1962, namely:—

1. Col. N. N. Bery,
Hony. Dental Adviser, Ministry of Health,
13, Curzon Road, New Delhi.
2. Dr. N. Pinto De Rosario,
Staff Surgeon (Dental),
Willington Hospital, New Delhi.
3. Dr. J. C. Manchanda,
Principal,
Punjab Dental College,
Amritsar.

4. Col. R. N. Dogra,
Army Dental Corps,
Armed Forces Dental College, Poona.
5. Dr. L. N. Mathur,
Dental Surgeon,
College of Medical Sciences,
Banaras Hindu University, Varanasi.

[No. F. 3-2/62-MIL.]

S.O. 1415.—Dr. Amiya Kumar Sen, 162/21/1, Lake Gardens, Calcutta-31 has been duly elected as a member of the Dental Council of India under clause (d) of section 3 of the Dentists Act, 1948 (16 of 1948), with effect from the 20th March, 1962 *vice* Dr. (Capt.) P. Mukherjee whose term of office expired on the 19th March, 1962.

[No. F. 3-2/62-MIL.]

R. MURTHI, Under Secy

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 30th April 1962

S.O. 1416.—In pursuance of rules 33 and 34 of the Harbour Craft Rules for the Port of Madras, 1935, the Central Government hereby makes the following further amendments to the rules for the grant of certificates of competency or permits to Masters and Syrangs, Engineers and Engine-drivers of mechanically propelled craft plying in the port of Madras published with the notification of the Government of India, in the late Department of War Transport No. 19-P (13)/40-III, dated the 28th May, 1946, namely:—

In the said rules,

- (1) in rule 19, for the words "the last" the word "one" shall be substituted; and
- (2) in rule 22 the words "the last" shall be omitted.

[No. 13-PG(19)/62.]

HARBANS SINGH, Under Secy.

(Departments of Communications and Civil Aviation)

New Delhi, the 30th April 1962

S.O. 1417.—On his resignation Shri S. R. Vasavada ceased to be a Member of the Boards of the Indian Airlines Corporation and Air India International Corporation with effect from 7th December, 1961.

[No. 3-CA(6)/61.]

New Delhi, the 5th May 1962

S.O. 1418.—In exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby appoints, with immediate effect, Shri S. R. Vasavada as a Member of the Air India International Corporation and the Indian Airlines Corporation.

[No. 3-CA(6)/61.]

K. GOPALAKRISHNAN, Dy. Secy.

(Department of Communications & Civil Aviation)**(P. & T. Board)***New Delhi, the 4th May 1962*

S.O. 1419.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 of sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the Schedule to the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620 dated the 28th February, 1957, namely:—

In the said Schedule,

in Part II, General Central Service, Class III, under the heading "Office of the General Manager, Posts and Telegraphs Workshops and other Offices under his jurisdiction", for the existing entries in columns 1 to 5, the following sub-headings and entries shall be substituted, namely:—

1	2	3	4	5
<i>Office of the General Manager, Posts and Telegraphs Workshops.</i>				
Office Superintendent	General Manager, Posts and Telegraphs Workshops.	General Manager, Post and Telegraphs Workshops.	All	Posts and Telegraphs Workshop Board.
		Deputy General Manager, Posts and Telegraphs Workshops.	(i) to (iii)	General Manager, Posts and Telegraphs Workshops.
Industrial Relations Assistant, Staff in Higher and lower Selection grades or in identical scales of pay ; Assistant Foreman.	Deputy General Manager, Posts and Telegraphs Workshops.	Deputy General Manager, Posts and Telegraphs Workshops.	All.	General Manager, Posts and Telegraphs Workshops.
		Assistant General Manager, Posts and Telegraphs Workshops.	(i) to (iii)	Deputy General Manager, Posts and Telegraphs Workshops.
Draftsman Grade I	Deputy General Manager, Posts and Telegraphs Workshops.	Deputy General Manager, Posts and Telegraphs Workshops.	All	General Manager, Posts and Telegraphs Workshops.
		Officers in Class II.	(i) to (iii)	Assistant General Manager, Posts and Telegraphs Workshops.
All other posts	Assistant General Manager, Posts and Telegraphs Workshops.	Assistant General Manager, Posts and Telegraphs Workshops.	All.	Deputy General Manager, Posts and Telegraphs Workshops.
		Officers in Class II.	(i) to (iii)	Assistant General Manager, Posts and Telegraphs Workshops.

1	2	3	4	5
<i>Offices of Managers, Telegraphs/Telephones Workshops.</i>				
Security Officer ; Planning Inspector ; Industrial Relations Assistant; Staff in Higher and Lower Selection grades or in identical scales of pay; Exchange Inspector Grade I; Chief Store Keeper; Medical Officer (Class III) ; Laboratory Assistant ; Chemist ; Head Draftsman ; Design Draftsman ; Assistant Foreman.	Manager, Workshops.	Manager, Workshops.	All	General Manager, Posts and Telegraphs Workshops.
		Officers of General Central Service Class I in Senior Time scale.	(i) to (iii)	Manager, Workshops.
Draftsman Grade I ; Building Overseer ; Welfare Superintendent ; Assistant Supervisory Test Clerk ; Inspector of Watch and Ward ; Nurse ; Electrician ; Head Test Clerk.	Manager, Workshops.	Manager, Workshops.	All	General Manager, Posts and Telegraphs Workshops.
		Officers in Class II	(i) to (iii)	Officers of General Central Service Class I in Senior Time Scale.
All other posts.	Officers of General Central Service Class I in Senior Time Scale.	Officers of General Central Service Class I in Senior Time Scale.	All.	Manager, Workshops.
		Officers in Class II.	(i) to (iii)	Officers of General Central Service Class I in Senior Time Scale."

(No. 44/5/62-DISC.)

New Delhi, the 12th May 1962

S.O. 1420.—In pursuance of sub-rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendment in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620, dated the 28th February, 1957, namely:—

In part II, General Central Service, Class III of the schedule to the said notification, under the heading "Telegraph Offices under the charge of officers of Telegraph Traffic Service, Class I or Class II, Officers of Telegraph Engineering and Wireless Service, Class II, Telegraph Masters and Telegraphists", after the item "Ministerial staff in Clerical Grades" in column 1 and the entries relating thereto, the following item and entries shall be inserted, namely:—

(1)	(2)	(3)	(4)	(5)
Inspectors of Peons,	Officers of Telegraph Traffic Service, Class I Telegraph Traffic Service Class II, and Telegraph Engineering and Wireless Service, Class II (in respect of staff in Telegraph Offices under his administrative control)	Officer of Telegraph Traffic Service, Class I, Telegraph Traffic Service, Class II and Telegraph Engineering and Wireless Service Class II (in respect of staff in Telegraph offices under his administrative control).	All	Director of Telegraphs All Director of Posts and Telegraphs.
		Officer of Telegraph Traffic Service, Class II (in respect of staff working in an office under the charge of an Officer of Telegraph Traffic Service, Class II).	(i) to (iii)	Officer of Telegraph Traffic Service, Class I.
	Divisional Engineer Telegraphs (in respect of telegraph offices under the charge of non-gazetted officials in Assam, Mysore and Orissa Circles)	Divisional Engineer, Telegraphs (in respect of telegraph offices under the charge of non-gazetted officials in Assam, Mysore and Orissa Circles)	All	Director of Telegraphs ; Director of Posts and Telegraphs.
	Personal Assistant Traffic (in respect of staff working in other Telegraph Offices).	Personal Assistant, Traffic (in respect of staff working in other telegraph offices).	All	Director of Telegraphs ; Director of Posts and Telegraphs.

[No. 44/16/60-DISC.]

D. K. AGARWAL,

Assistant Director General (Sea).

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 25th April 1962

S.O. 1421.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Upper Division Clerks (Directorates of Inspection, Calcutta, Bombay, Madras

Kanpur, Tatanagar, Burnpur and N.W.I. Circle, New Delhi) Recruitment Rules, 1961, published with the notification of the Government of India, Ministry of Works Housing and Supply G.S.R. 819 dated the 8th June, 1961, namely:—

1. These rules may be called the Upper Division Clerks (Directorates of Inspection, Calcutta, Bombay, Madras, Kanpur, Tatanagar, Burnpur and N.W.I. Circle, New Delhi) Recruitment Amendment Rules, 1962.

2. In the Schedule to the Upper Division Clerks (Directorates of Inspection, Calcutta, Bombay, Madras, Kanpur, Tatanagar, Burnpur and N.W.I. Circle, New Delhi) Recruitment Rules, 1961, for the existing entry in column 10, the following entry shall be substituted, namely:—

“2 years”.

[No. 49/24/60-ESII.]

New Delhi, the 2nd May 1962

S.O. 1422.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Upper Division Clerks (The Government Test House, Calcutta) Recruitment Rules, 1961, published with the notification of the Government of India, Ministry of Works, Housing and Supply G.S.R. 818 dated the 8th June, 1961, namely:—

1. These rules may be called the Upper Division Clerks (The Government Test House, Calcutta) Recruitment Amendment Rules, 1962.

2. In the Schedule to the Upper Division Clerks (The Government Test House, Calcutta) Recruitment Rules, 1961, for the existing entry in column 10, the following entry shall be substituted namely:—

“2 years”.

[No. 49(23)/60-ESII.]

R. RAJAGOPALAN, Under Secy.

New Delhi, the 2nd May 1962

S.O. 1423.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the Manager, Hotel Janpath, New Delhi, being a gazetted officer of the Government, to be the estate officer for the purposes of the said Act in respect of the premises of Hotel Janpath, New Delhi.

[No. 15(8)/62-EEII.]

R. C. MEHRA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 1st May 1962

S.O. 1424.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri P. N. Bhanot, as Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said act with effect from 1st May, 1962.

[No. 12(2)/ARG/62-(11).]

New Delhi, the 2nd May 1962

S.O. 1425.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Mrs. Santosh Duggal as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date she took charge of her office.

[No. 8/133/ARG/61.]

S.O. 1426.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954, the Central Government hereby appoints Shri Gulab L. Ajwani as Additional Settlement Commissioner for the purpose of performing the functions assigned to him by or under the said Act with effect from 1st July, 1961.

This office Notification No. 11(45)/CSC/AI-61, dated 19th July 1961 is hereby cancelled.

[No. 5(10)/ARG-61.]

New Delhi, the 3rd May 1962

S.O. 1427.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Rajasthan, Shri T. N. Mathur, Managing Officer in the Office of the Regional Settlement Commissioner, Jaipur as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 7(3)/ARG-62.]

S.O. 1428.—In exercise of the powers conferred by clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1951) the Central Government hereby appoints for the State of Rajasthan, Shri T. N. Mathur, Managing Officer in the Office of the Regional Settlement Commissioner, Jaipur, as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the date he took over charge of his office.

[No. 7(3)/ARG-62.]

New Delhi, the 7th May 1962

S.O. 1429.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri B. R. Kher as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said act with effect from the date he took charge of his office.

[No. 8/136/ARG/61.]

S.O. 1430.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954) the Central Government hereby appoints Shri V. S. Jha as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 10(85)/ARG/61.]

KANWAR BAHADUR,

Settlement Commissioner (A) and
Ex-Officio Dy. Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 1st May 1962

S.O. 1431.—In exercise of the powers conferred on me by Sub-Section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate to Shri P. N. Bhanot, Settlement Commissioner with effect from 1st May, 1962 the following powers of the Chief Settlement Commissioner:—

1. Power to hear appeals under Section 23 of the said Act.
2. Power to hear revisions under Section 24 of the said Act.

[No. 12(2)/ARG/62-IV.]

S.O. 1432.—In exercise of the powers conferred on me by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri P. N. Bhanot, Settlement Commissioner as Deputy Custodian General of Evacuee Property with effect from the forenoon of 1st May, 1962 until further orders.

[No. 12(2)/ARG/62-VI.]

S.O. 1433.—In exercise of the powers conferred on me by sub-Section (3) of Section 55 of the Administration of Evacuee Property Act (31 of 1950), I S. W. Shiveshwarkar hereby delegate to Shri P. N. Bhanot, Deputy Custodian General of Evacuee Property, all powers vested in me under the said Act.

[No. 12(2)/ARG/62-VII.]

New Delhi, the 2nd May 1962

S.O. 1434.—In exercise of the powers conferred on me by sub-section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), I have delegated to Shri Gulab L. Ajwani, Additional Settlement Commissioner with effect from the 1st July, 1961, the following powers of the Chief Settlement Commissioner:—

1. Powers to call for the record of any case decided by the Settlement Officer and pass order in the case under proviso to sub-section (3) of Section 4 of the said Act.
2. Special powers of revision under Section 5 of the said Act in respect of cases decided under the Displaced Persons (Claims) Act, 1950 (44 of 1950).

This office Notification No. 11(45)/CSC/AI-61, dated 19th July 1961 is hereby cancelled.

[No. 5(10)/ARG-61.]

ORDER

New Delhi, the 5th May 1962

S.O. 1435.—In exercise of the powers conferred on me by sub-section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) I, S. W. Shiveshwarkar, I.C.S., Chief Settlement Commissioner, hereby delegate my powers under Rules 84 and 86 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, to condone the delay in submission of applications for substitution under Section 9 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) by successors-in-interest of deceased claimants or applicants for Rehabilitation Grant to the following Officers of the Settlement Organisation:—

1. Shri I. L. Panjani—Regional Settlement Commissioner, Jaipur.
2. Shri S. S. Bisn—Regional Settlement Commissioner, Lucknow.
3. Shri R. Dayal—Regional Settlement Commissioner, Patna.
4. Shri J. S. Bajaj—Regional Settlement Commissioner, Bombay.

[No. 4(4)/Comp. & Prop./62.]

S. W. SHIVESHWARKAR, Chief Settlement Commissioner.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd May 1962

S.O. 1436.—In exercise of the powers conferred by Sub-Section (I) of Section 6 of the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), the Central Government hereby appoints for the State of Rajasthan Shri H. S. Unadhyaya, Tehsildar in the office of the Regional Settlement Commissioner Jaipur with effect from 1st May, 1962 as Assistant Custodian for the purpose of discharging the duties imposed on the Custodian by or under the said Act. Shri H. S. Upadhyaya will exercise the powers only so long as he holds the post of Tehsildar in the office of the Regional Settlement Commissioner, Jaipur.

[No. F. 7/11/59(II)-Pd.II(L&R).]

S.O. 1437.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri H. S. Upadhyaya, Tehsildar in the Office of the Regional Settlement Commissioner, Jaipur with effect from 1st May, 1962 as Managing Officer for the purpose of performing the functions assigned to the Managing Officer by or under the said Act. Shri H. S. Upadhyaya will exercise the powers only so long as he holds the post of Tehsildar in the office of the Regional Settlement Commissioner Jaipur.

[No. F. 7/11/59(II)-Pol.II(L&R).]

M. J. SRIVASTAVA,
Settlement Commissioner &
Ex-Officio Under Secy.

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 4th May 1962

S.O. 1438.—In exercise of the powers conferred by Section 3(1) of the Cinematograph Act, 1952 read with rule 4 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri S. S. Vasani as a member of the Central Board of Film Censors with immediate effect.

[No. F. 11/14/59.]

B. S. DASARATHY, Dy. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 2nd May 1962

S.O. 1439.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Kirkend Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 59 OF 1961.

PARTIES:

Employers in relation to the Kirkend Colliery.

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, B.A. LL.B., Presiding Officer.

APPEARANCES:

Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha, for the workmen.
Shri S. Sanyal, Manager, Kirkend colliery, for the employers.

STATE: Bihar.

Industry: Coal.

Dhanbad, dated the 17th April 1962

AWARD

The Government of India, Ministry of Labour and Employment, by Order No. 2/144/61-LRII dated 28th July 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer the industrial dispute between the parties above named in respect of the subject matters stated in the following schedule to the said order, for adjudication to me.

"Whether the management was justified in stopping Shri Muhammad Yasin from work with effect from 1st May 1961. If not, to what relief he is entitled?"

2. After the parties had filed their written statements the dispute was taken up for hearing at Dhanbad and after being part heard, was adjourned to 16th April, 1962, to enable the union to take inspection of certain registers and records of the colliery called for by it.

3. At the hearing on 16th April, 1962, after the parties had made their submissions at some length, they negotiated for a settlement and later on filed a joint application recording the terms of settlement and prayed that an award be made in terms thereof. A copy of the said joint application of the parties is annexed hereto and marked Annexure A and it shall form part of this award. As I am satisfied that, in the facts and circumstances of the case, the settlement reached between the parties is fair and reasonable, I accept the same and make an award in terms thereof.

4. No order as to costs.

(Sd.) SALIM M. MERCHANT, Presiding Officer.
Central Government Industrial Tribunal, Dhanbad.

ANNEXURE A.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, DHANBAD.

REFERENCE No. 59 OF 1961.

PARTIES:

Employers in relation to Kirkend Colliery

AND

their workmen, represented by Bihar Koyla Mazdoor Sabha

This humble petition on behalf of the parties above named most respectfully submit:

1. That the parties have amicably settled the dispute on the following terms:—

- (a) That the management will pay a sum of Rs. 250/- (rupees two hundred fifty) in full and final settlement to Shri Md. Yasin.
- (b) That Shri Md. Yasin will have no other claim on receipt of the above amount.
- (c) That the payment will be made on 18th April, 1962, in the office of the Tribunal.
- (d) That Shri Md. Yasin will vacate the dhowrah within a week from the date of the payment.

It is therefore humbly prayed that the matter may kindly be disposed of on the above terms and an award may be made accordingly.

Dhanbad, dated the 16th April, 1962.

For the Employers:

S. SANYAL, Manager Kirkend Colliery.

Witness: (C. K. MUKHERJEE).

For the workmen:

LALIT BURMAN, Secretary,
Bihar Koyla Mazdoor Sabha.
(MD. YASIN),

Before me.

(Sd.) SALIM M. MERCHANT, Presiding Officer.
Dhanbad, 16-4-62.

[No. 2/144/61-LRII.]

New Delhi, the 3rd May 1962

S.O. 1440.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Nanhak Mallah, Bucketman, of Loyabad Ropeway, c/o M/s. Indian Mine Workers Federation, Dhanbad.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.

APPLICATION No. 107 OF 1960

(arising out of Reference No. 27 of 1960)

Re: In the matter of a complaint under Section 33A of Industrial Disputes Act,
1947 (XIV of 1947).

PARTIES:

Nanhak Mallah, Bucketman,
Loyabad Ropeway, Station A,
c/o Indian Mine Workers Federation,
P.O. Dhanbad, District Dhanbad, Bihar—*Complainant*.

Vs.

1. Chief Mining Engineer,
M/s. Bird & Co. (P) Ltd.,
P.O. Sijua, District Dhanbad.
2. The Ropeway Engineer,
Loyabad Ropeway,
P.O. Bansjora, District Dhanbad—*Opposite parties*.

PRESENT:

Shri Salim M. Merchant, B.A., LL.B., Presiding Officer.

APPEARANCES:

Shri Lalit Burman—*for the complainant*.
Shri S. S. Mukherjea, Advocate, with
Shri J. L. Sinha, Group Personnel Officer—*for the opposite parties*.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 17th April 1962

AWARD

This is a complaint purporting to be under Section 33A of the Industrial Disputes Act, 1947 against the complainant's alleged suspension from his service with effect from 7th November, 1960. The complaint is filed as arising out of Reference No. 27 of 1960.

2. After the usual notices were issued and the opposite parties had filed their written statements in reply, at the hearing of this complaint on 16th April 1962 Shri Lalit Burman for the complainant stated that he did not want to prosecute this complaint and wished to withdraw the same as the complainant has been taken back in service and has been paid his due wages. The complaint shall therefore stand dismissed as withdrawn. No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;
The 17th April, 1962.

[No. 8/32/62-LRII.]

New Delhi, the 7th May 1962

S.O. 1441.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to Messrs. T. P. Sao, Owner of Ghatkuri and Bijoy Iron and Mangane-se Mines, Post Office Chaibasa, District Singhbhum and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 1 OF 1962

PARTIES:

Employers in relation to Messrs T. P. Sao, Owners of Chatkuri & Bijoy Iron & Manganese Mines

AND

Their workmen.

PRESENT:

Shri L. P. Dave—*Presiding Officer*.

APPEARANCES:

For the Employers—Shri S. C. Sen, Advocate Shri T. Tewari, a representative of the firm.*For the workmen*—Shri Patit Paban Pathak, an Officer of the All India Trade Union Congress.

STATE: Bihar

INDUSTRY: Iron & Manganese Mines.

AWARD

The Government of India in the Ministry of Labour and Employment, by their order No. 23/6/61-LRII dated 21st March 1961, referred the industrial dispute existing between the employers in relation to Messrs T. P. Sao, owner of Ghatkuri and Bijoy Iron and Manganese Mines and their workmen in respect of the question whether the workers of the above mines were entitled to a profit sharing bonus for the year 1959-60 and if so at what rates, was referred for adjudication to the Industrial Tribunal, Dhanbad. By subsequent order No. 4/90/61-LRII dated 13th December 1961, proceedings in relation to the above dispute were withdrawn from the Dhanbad Tribunal and transferred to this Tribunal for disposal according to law.

2. Both the workmen and the employers filed their written statements before the Dhanbad Tribunal. The workers contended that the Company is in existence in this industry for more than fifteen years, that it is selling its iron and manganese ore to the State Trading Corporation and to the Tara Iron & Steel Co., that the wage conditions existing in the company are very miserable; that the workers were getting Re. 1/- per day for males and -/14/- annas for females and that these rates were increased by two annas in December 1960; that no dearness allowance is paid to the workers; that the company is making huge profits; that the nett profit in respect of iron ore would be over Rs. 8/- per ton and in the case of manganese it would be still higher; that looking to the profits of the company the Union prays that three month's wages should be awarded to the workmen for the year 1959-60 as profit sharing bonus.

3. The employers contended that the various allegations made by the Union were not correct on material facts; that the Union in their charter of demand had asked for one month's bonus for the year 1959-60; that it is not appreciated how and why it has increased its claim to three months; that the allegation that the nett profit in the case of iron ore exceeds Rs. 8/- per ton is a pure surmise and guess work and is not true; that the principles for payment of bonus are now well settled by a series of decisions of the Supreme Court and according to them bonus would become payable only if there was a surplus available out of the profit earned by the employer during that year; that the employers have worked out the available surplus according to that formula and appended it as annexure 'A' to their written statement and according to this not only was there no available surplus but there was a deficit and hence no bonus should be awarded to the workmen during this year.

4. The dispute in the present case relates to the profit sharing bonus for the year 1959-60. The employers are the owners of Chatkuri and Bijoy Iron and Manganese Mines. They have other business like that of Excise also; but we are not concerned with that business in the present reference; because the present dispute is between the above employers and their workmen in the above mines. The workmen claim a profit sharing bonus for the year 1959-60 which claim is denied by the employers.

5. The employers have filed several statements, most important of which is a statement prepared by a Chartered Accountant who has also prepared a statement of available surplus according to the formula which was laid down by the Labour Appellate Tribunal in the case of Mill Owners Association, Bombay V. Rastriya Mill

Mazdoor Sangh, 1952 L.A.C. 433 which has been approved of by the Supreme Court in several cases, the most important of them being the case of Associated Cement Co. Ltd. v. their workmen (1959) ILLJ. 644: The employers have also examined Shri Guha who is a Chartered Accountant and who has prepared different statements. The workmen have not led any evidence excepting producing a statement which according to them would show a sufficient available surplus for granting bonus.

6. According to the statements (T5 and T1) produced by the employers, their gross profits for the year come to Rs. 91,143.87 nP. Out of this, they have deducted 25,646.55 nP. for depreciation on assets (see T1). They have also deducted a sum of Rs. 11,354.54 nP. as the proportionate Head Office expenses and then showed the balance of profits for the Mining section as Rs. 54,143.00. Out of this nett profit, they claim a deduction of Rs. 30,280.00 by way of interest on average capital at the rate of 6 per cent, Rs. 22,314.00 for income tax and Rs. 9,000.00 as remuneration for the partner's service to the business and they, therefore, say that there is a deficit of Rs. 7,451 (statement T2). To put in a tabulated form, the employers statements can be summarised as under:—

Gross Profits: Rs. 91,143.87 nP.

Deductions :

(i) Depreciation on assets	Rs. 25,646.55 nP.
(ii) Proportionate Head office Exp.	„ 11,354.51 nP.
(iii) Return on Capital @ 6%	„ 30,280.00 nP.
(iv) Income Tax, Surcharge, Super Tax	„ 22,314.00 nP.
(v) Remuneration for Partner's service	„ 9,000.00 nP.

Rs. 98,595.06 nP.

This shows no available surplus.

7. So far as workmen are concerned, the calculation of available surplus as made by them is as under (see statement T4).

Profit: Rs. 91,143.87 nP.

Deductions :

(i) Head office expense	Rs. 11,354.51 nP.
(ii) Depreciation	„ 6,572.00 nP.
(iii) Income Tax	„ 22,314.00 nP.
(iv) Return on Capital @ 4%	„ 20,000.00 nP.

Nett available surplus—Rs. 30,903.36 nP.

8. It will be seen from the above that there is no dispute between the parties about the amount of the gross profit. There is also no dispute about the deductions for Head Office expenses which both the parties have taken as 11,354.51 nP. Similarly there is no dispute regarding the amount to be deducted for Income tax namely Rs. 22,314/-. There is a dispute only in regard to three items. The first is regarding depreciation. According to the employers, they claim a deduction of Rs. 25,646.55 nP. for depreciation while the workmen urge that the deduction for depreciation should be Rs. 6,572/-. The second dispute is regarding return on capital. The employers claim deduction of Rs. 30,280/- at the rate of 6% on the average capital employed in the year while the workmen say that the deduction on this account should be only Rs. 20,000/- at the rate of 4% on the capital employed. The last dispute is regarding the item of Rs. 9,000/- claimed by the employers for remuneration in respect of services rendered by the partners which item is disputed by the workmen.

9. Before I proceed to discuss the above three items, I may mention that the principles that should govern the grant of bonus to the workers were laid down for the first time by the Labour Appellate Tribunal in the well known case of Mill

Owners Association Bombay, 1952-L.A.C., 433. The principles laid down in the above case by the Labour Appellate Tribunal have been approved of by the Supreme Court in a number of cases, the most important of them being the case of Associated Cement Co. Ltd. Vs. their workmen (1959) ILLJ. 644 where the Labour Appellate Tribunal formula was very carefully examined by the Supreme Court and approved of. It was held that the above formula had worked satisfactorily and that it was enough to meet reasonably the claims of the industry and labour for fair-play and justice. According to the formula, several items have to be deducted from the gross profits to arrive at the available surplus and if there is available surplus, it is to be distributed between the labour, the industry and the shareholders. These items have to be worked out notionally on the oretical grounds.

10. From the amount of gross profits, there should be a first deduction for depreciation. Only the notional normal depreciation should be deducted. Initial depreciation and additional depreciation allowed for income tax purposes is not be taken into consideration. The next item that has to be deducted from the gross profits is Income tax. In determining the income tax, the full statutory depreciation as allowed under the Income Tax law must be deducted from the gross profits and the tax calculated on the balance. The next charge on the gross profits is return on paid up capital and working capital. Ordinarily a return of 6 per cent on the paid up capital should be allowed; but this can be suitably varied according to the circumstances of each case. The return on reserve used as working capital has to be fixed by the Tribunal at its discretion. The next and important item of deduction from the gross profits is the allowance for rehabilitation including replacement and modernisation. The balance, if any, remaining after the above deductions have been made from the gross profits would represent the surplus available for distribution. Labour, the industry and the shareholders are entitled to claim a share therein. The ratio of distribution between these claimants would depend on various factors, for example, the existing wages scales in the concern, necessity for setting apart a gratuity fund, financial position of the employer, rebate of income tax available to the employers on the amount of bonus etc.

11. The formula for bonus is based on two considerations. The first is that labour is entitled to claim a share in the trading profits of the industry because it has partially contributed to the same and the second is that labour is entitled to claim that the gap between its actual wages and the living wage should, within reasonable limits, be filled up.

12. Applying the above principles to the facts of the present case, it may be noted as mentioned above that there is no dispute about the gross profits, nor is there any dispute about the amount to be deducted for Head Office expenses. There is also no dispute about the deduction in respect of income tax. The dispute is only regarding depreciation, return on capital and remuneration to partners. It may be noted at this stage that no amount is claimed to be deducted on the ground of rehabilitation, replacments or modernisation.

13. The first and the most important item in dispute is regarding depreciation. As I mentioned above, the employers claim a deduction of Rs. 25,646.55 nP. under this head. They have worked out this amount in a chart which is marked T-3. According to the statement T-4 of the workmen, they dispute items 12 to 16 of the chart T-3. They dispute items 12 to 14 on the ground that they would not be chargeable in this year but would be chargeable in the next year and they dispute items 15 and 16 on the ground that they are not heads of depreciation.

14. Now, so far as items 15 and 16 are concerned, they are amounts for commission and stamp expenses in respect of purchase of new trucks and the interest on the amount spent in purchasing these trucks. According to the workmen, these items cannot be said to be items of depreciation. Even if they are not items of depreciation and are not allowable as such, they would have to be allowed as working expenses. It would thus not make any difference for practical purposes. I would, therefore, grant the deduction claimed by the employers in respect of these two items.

15. Coming to items 12 to 14, they are items of depreciation claimed in respect of two Compressors, four Welding machines and five new trucks which were purchased during the year 1959-60. In the case of the compressors and welding machines, depreciation is claimed for four months while in the case of the five new trucks, depreciation is claimed for six months. Shri Guha in his evidence has stated that these five new trucks were purchased on 25th February 1960. If that was so, I cannot understand how depreciation can be claimed or allowed in respect of the same for a period of six months. I was told that under the Income tax law they can claim depreciation to this extent. No authority was shown to me in

support of this proposal, but assuming that under the Income tax law, depreciation can be allowed for these new trucks for a period of six months, I do not think that the same can be allowed when working out the available surplus according to the Labour Appellate Tribunal formula. As held by the Supreme Court, the amount of depreciation to be deducted is a notional depreciation. The initial depreciation or additional depreciation allowed for Income tax purposes is not to be taken into consideration. In the case of Associated Cement Co., Ltd. the statutory depreciation allowed under Income Tax law was 165.49 lakhs, but the notional normal depreciation allowed for the purpose of finding available surplus to consider the grant of bonus was 100.22 lakhs. In other words, though under the Income Tax law, the employers may be entitled to a larger depreciation, they cannot claim the same in making the deduction for arriving at the available surplus; because only notional depreciation has to be allowed. As the trucks were purchased towards the end of February, they worked for hardly 1½ months during the year. I think that the normal depreciation that can be allowed for the purpose of working out the bonus formula should be on the basis of two month's depreciation. In other words, in respect of the amount of Rs. 13,952.50 nP. claimed under item 14, I think that the notional depreciation that can be allowed under this head would be Rs. 4,650.83 nP.

16. Regarding compressors and welding machines, there is no evidence as to when they were purchased and in the circumstances, I would allow the depreciation as claimed by the employers. Calculating accordingly, the deduction that can be allowed under the head of depreciation would be Rs. 16,344.88 nP. (and not Rs. 25,646.55 nP.)

17. The next item in dispute is the item about return on paid up capital. The employers have claimed a sum of Rs. 30,280/- under this head stating that the average capital during the year was Rs. 5,04,673/-. The workmen urge that only Rs. 20,000/- should be allowed on this head, at 4 per cent. on the capital.

18. As I mentioned earlier, ordinarily 6 per cent is allowed as return on capital. No doubt this can be suitably varied according to the circumstances of each case. But no special circumstance are alleged or proved in the present case and I see no reason why a return of less than 6 per cent should be allowed on capital. It may be noted that the amount claimed is a return on capital and not a return on reserve or other funds.

19. An attempt was made during the cross examination of Shri Guha to show that the working capital was not 5,00,000 and odd. No doubt in the schedule of computation of capital, Shri Guha has arrived at the capital by taking the average of the capital on the first day of the year and the capital on the last day of the year; but in his deposition, he has also stated that he did verify as to what was the capital used in the middle of the year and he found that generally it was more than the one at the beginning and at the end. It may also be noted that according to the statement T4 of the Union they have agreed to a deduction of 20,000/- by way of the return on the capital at 4 per cent. On this basis, the capital would work out at Rs. 5,00,000/-. In other words, there is not much difference in the amount of capital as urged by the employers in their statement and as admitted by the Union in theirs. The only dispute was regarding the rate of return and I think that the employers are entitled to a return of 6 per cent. I would, therefore, uphold the employers' contention on this point.

20. The last item disputed by the workmen is an amount of Rs. 9000/- which is claimed by the employers as remuneration for services of the partners rendered to the business. No doubt if an employer has actually looked after the business, provision for reasonable remuneration for such employer would have to be made as a prior charge to be deducted from the profits of the year for determining the available surplus. In this connection, reliance was placed on behalf of the employers on the case of Kodaneri Estate and its workmen 1960-I L.L.J. 273 and the case of Kapoor & Co. and their workmen 1960-I L.L.J. 510. In the first case, a member of a joint Hindu family who owned the business was actually looking after the business and was devoting his full time and energy for the said business. The Supreme Court held that provision for reasonable remuneration must be made for him. In the latter case, the Proprietor was working as Manager and his salary was regularly debited in the account books. The Supreme Court held that this item could not be challenged for the amount would have to be spent if any other person had been employed as a Manager.

21. In the present case, however, there is no evidence to show as to whether all the three partners or any of them are looking after the working of this business

and as to what time they spend after it. None of the partners has gone in the witness box nor has any one else stated anything about it. The only evidence in the case is the evidence of Chartered Accountant Shri Guha, who can obviously have no personal knowledge as to whether the partners are looking after the business or not, nor can he have any personal knowledge as to what time they spend therein. He has admitted however that the partners are also looking after the other business of the firm.

22. As against this, the workmen have also led no evidence and they have also not stated as to whether the partners do any work or not. All that the workmen have said in their statement T4 is that partners' services can not be allowed in preference to the claim of bonus for the workmen. Indirectly, therefore, they have admitted that the partners must be doing some work for this business also.

23. In view of this unsatisfactory state of evidence and in view of the fact that it is not shown as to what work the partners are actually doing and for how much period, I would allow half the amount claimed by the employers under this head i.e. I would allow Rs. 4,500/- under this head.

24. On the above basis, let us now make the relevant calculations. The gross profit is Rs. 91,143·87 nP. Out of this, the following items will have to be deducted:—

(i) Depreciation	Rs. 16,344·88 nP.
(ii) Head office expenses	,, 11,354·51 nP.
(iii) Income Tax	,, 22,314·00 nP.
(iv) Return on Capital	,, 30,280·00 nP.
(v) Remuneration to partners	,, 4,500·00 nP.
<hr/>	
Total	Rs. 84,793·39 nP.

Deducting this from the gross profit of Rs. 91,143·87 nP., the available surplus would work out at Rs. 6,350/-.

25. This brings me to the last question as to how this surplus should be distributed or as to what amount should be awarded to the labour by way of bonus. One of the important things to be considered in this connection is as to what the wages of the workmen are. It was admitted before me both on behalf of the workmen as well as on behalf of the employers that the wages of the workmen varied from Re. 1 per day to Rs. 1/6/- per day. Taking the maximum wage of Rs. 1/6/- per day, a workman would earn Rs. 35·75 nP. per month for 26 working days. Admittedly, no dearness allowance is paid to any workman, but grains are supplied at concession rates. I am told that the grains so supplied are 16 seers per head per month and they are supplied at the rate of 4 seers a rupee as against the market price of 1½ seers a rupee. Even after taking this concession into account, it would be clear that the workmen get very low wages and that their wages are much less than living wage.

26. It was also conceded before me by both sides that if the workmen were awarded a bonus equal to one month's wages, the employer would be required to pay about Rs. 6,000/-. Looking to the fact that total available surplus is Rs. 6,350/- and looking to the fact that the employers would get something by way of rebate in Income tax for the amount paid as bonus and looking further to the fact that the workmen are getting very low wages, I would award them a bonus equal to 20 (twenty) days' wages which I believe would require payment of about Rs. 4,000/-.

27. In the result, I hold that the workers are entitled to a profit sharing bonus equal to 20 (twenty) days' wages for the year 1959-60 and I pass my award accordingly.

L. P. DAVE, Presiding Officer.

Dated. Calcutta, The 25th April, 1962.

[No. 23/6/61-LRII.]

ORDERS

New Delhi, the 2nd May 1962

S.O. 1442.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sitaldasji Selected Colliery and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the management was justified in not re-employing the three retrenched workmen, Sarvashri Naresh Kurni, Dipan Keot and Gour Chandra Mazumdar, water supplier, pump khalasi and munshi respectively? If not, to what relief are they entitled and from what date?

[No. 2/241/61-LRII.]

New Delhi, the 3rd May 1962

S.O. 1443.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Bastacolla Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer, with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the dismissal of Sri Balal Kewat by the management of East Bastacolla Colliery was justified? If not, to what relief is he entitled?

[No. 2/34/62-LRII.]

S.O. 1444.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 1188, dated the 17th May, 1961, namely:—

In the Schedule to the said Order, after the word "paragraph" and before the figure and letter "164(b)", the figure and words "163 and paragraph" shall be inserted.

[No. 10(39)/60-LRIV.]

New Delhi, the 7th May 1962

S.O. 1445.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sitasongi mine of Seth Gopikisan Agarwal and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7-A, of the said Act.

SCHEDULE

Whether the management of Sitasongi Mine of R.S. Seth Gopikisan Agarwal was justified in reducing the piece rates per frame of 10 Cft. of chilly boulder ore from Rs. 16 to Rs. 12 and to Rs. 14 in week ending 1st February, 1962, and 8th February, 1962, respectively in respect of the workmen employed in Section No. 1, of the said mine. If not what relief should be given to the workmen concerned and from what date?

[No. 23/8/62-LRII.]

New Delhi, the 8th May 1962

S.O. 1446.—Whereas, the employers in relation to the Chirimiri Colliery and their workmen represented by the Chhattisgarh Colliery Workers' Federation, Post Office Chirimiri, District Surguja (Madhya Pradesh) have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas, the Central Government is satisfied that the said Chhattisgarh Colliery, Workers' Federation represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Ganesh Prasad Bhutt as the Presiding Officer, with headquarters at Indore City and refers the said dispute for adjudication to the said Industrial Tribunal.

THE SCHEDULE

FORM 'A'

(Rule 3)

Form of application for the reference of an industrial dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Whereas an industrial dispute exists between the Management of Chirimiri Colliery, Amrit Bhavan, Residency Road, Nagpur, and the Workmen of Chirimiri Colliery, P.O. Chirimiri, S. E. Rly., District Surguja, Madhya Pradesh, represented by the Chhattisgarh Colliery Workers' Federation, P.O. Chirimiri, and it is expedient that the dispute specified in the enclosed statement which is connected or relevant to the dispute should be referred for adjudication by a Tribunal an application is hereby made under section 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated: 9th March 1962

For the Management

For the Workmen

Sd/-

Sd/-

Sd/-

General Manager

Vice President

Secretary

Chirimiri Colliery Company,

Chhattisgarh Colliery Workers'

"Amrit Bhavan", Residency Rd.,

Federation, P.O. Chirimiri,

Post Box 83, Nagpur-1.

Dist. Surguja, Madhya Pradesh.

To

The Secretary,
to the Government of India,
Ministry of Labour and Employment,
New Delhi.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957 to accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947.

- (a) Parties to the dispute including the name and address of the establishment or undertaking involved.

Management of Chirimiri Colliery known as CHIRIMIRI COLLIERY COMPANY, Amrit Bhavan, Residency Road, Nagpur—1.

AND

Workmen of Chirimiri Colliery as represented by CHHATTISGARH COLLIERY WORKERS' FEDERATION, P.O. Chirimiri, Distt. Surguja, Madhya Pradesh.

- (b) Specific matter in dispute

"Whether the workmen of Chirimiri Colliery are entitled to wages for the strike period from 23rd February 1962 to 4th March 1962."

- (c) Total number of workmen employed in the undertaking affected—1,900.

- (d) Estimated number of workmen affected or likely to be affected by the dispute—1,100.

- (e) Efforts made by the parties themselves to adjust the dispute.

There were mutual discussions for several days between the Chhattisgarh Colliery Workers' Federation and the Management of Chirimiri Colliery Company which did not result in resolving the dispute. As the strike continued the management thought it best to request telegraphically the Regional Labour Commissioner (C), Jabalpur, to conciliate in the matter. Conciliation proceedings were, therefore, started and an agreement on all the points was arrived at except that the Chhattisgarh Colliery Workers' Federation claimed wages for the workers during the period of strike i.e. 23rd February to 4th March 1962. As no agreement could be arrived at on this point, the parties agreed to refer the dispute for adjudication.

[No. 8/33/62-LRII.]

S.O. 1447.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to East Bastacolla Colliery and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the transfer of Shri Biru Sen to Upper Kendra Colliery is justified? If not, to what relief is he entitled?

[No. 2/41/62-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 3rd May 1962

S.O. 1448.—Whereas, in the opinion of the Central Government:—

- (1) the rules of the provident fund of M/s. Naffar Chandra Jute Mills Ltd., Kankinarah, 24, Parganas and M/s. Premier Stores Supplying Company Ltd., 6/1, Dilarjung Road, Calcutta-2 (hereinafter referred to as the said establishments), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and

- (2) the employees in the said establishments are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempt the said establishments with effect from the 1st November 1952 and the 1st February, 1958 respectively from the operation of all the provisions of the said Scheme, subject to the conditions specified in Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section 17.

SCHEDULE

Conditions of exemption

Every establishments shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882 (2 of 1882);
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the factory to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishment as the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Fund Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of the employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioners concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the Employees Provident Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments' Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise or more shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishments interest shall be charged at the rate of $4\frac{1}{2}$ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

[No. 9(9)61-PF.II.]

P. D. GAIHA, Under Secy.

New Delhi, the 4th May 1962

S.O. 1449.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the Bank of Madura Limited and their workmen.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

Thursday, the twelfth day of April, One thousand nine hundred and sixty-two (22nd day of Chaitra, 1884 Saka):

PRESENT

Sri K. Ramaswami Goundar, B.A., M.L.

INDUSTRIAL DISPUTE No. 8 of 1962.

(In the matter of dispute between the workmen and the management of Bank of Madura Limited, Madurai).

BETWEEN:

The General Secretary,
Bank of Madura Employees Union,
Malabar House,
Railway Street Road,
Coimbatore.

AND

The Secretary,
Bank of Madura Limited,
Nos. 82-83, East Avanimoola Street,
P.E. No. 76, Madurai.

REFERENCE:

Order No. 51/2/62-LR IV, dated 12th March, 1962, Ministry of Labour and Employment, Government of India, New Delhi.

ISSUES:

- (1) Whether the Bank of Madura Limited was justified in placing Sarvaswari A. R. Sambandam and S. Venkataraman under suspension? If so, was the said company under any obligation to pay any subsistence or other allowance or wages to the aforesaid workmen in respect of the period of the suspension?
- (2) Whether the subsequent termination of the services of the aforesaid workmen was justified?
- (3) What relief, if any, are the workmen entitled to?"

This dispute coming on for hearing on Tuesday and Wednesday the 10th and 11th days of April, 1962, and on this day, upon perusing the reference, claim and counter statements and all other papers material to this dispute and upon hearing Sri P. J. Setharaman, Advocate for the Union and Sri G. Swaminatha Iyer, Law Officer for the management, the Tribunal passed the following.

AWARD

This reference relates to two of the employees of the Bank of Madura Limited, A. R. Sambandam and S. Venkataraman, whose services have been terminated on charges of misconduct. The Bank has got its head office at Madurai with branches in a number of places, such as Coimbatore, Cochin, Alleppey etc. The union which represents these two workers has filed a claim statement setting out the circumstance in which the action was taken against them and contending that it was an act of victimisation on the part of the management as they happen to be office-bearers of the Bank Employees Union, and that the termination of their services was illegal and unjustified, and praying that they should be reinstated with full back wages and continuity of service. The bank has filed a counter statement maintaining that the action taken against them was justified in the circumstances and that the decision taken after a domestic enquiry cannot be questioned in this reference as it was a full and fair enquiry made after giving the employees every opportunity for defending themselves against the charges.

2. We may first consider the charges against the first of them, namely A. R. Sambandam. In August, 1961, he was working in the Coimbatore branch as cashier, when he was transferred as cashier to the Cochin branch. He accordingly joined the Cochin branch on the 21st August, 1961. On 4th September, 1961, a Memo of charge Ex. W-2, was served upon him to show cause why disciplinary action by way of dismissal should not be taken against him, and the charge was that he has been soliciting and accepting gifts from constituents of the Bank. On 28th September, 1961, the Bank issued an additional Memo Ex. W-2(a) giving particulars of the persons from whom the gift was received, as well as the amounts received. It will be seen from that Memo that he is alleged to have received gifts from five constituents of the Bank, all belonging to Dharapuram in Coimbatore District, of small amounts such as Rs. 2, 3 or 5. It also mentions four other persons of the same place from whom Sambandam is alleged to have solicited gifts. Pending enquiry on those charges, Sambandam was placed under suspension by the order Ex. W-3, dated 11th September, 1961. The conciliation Officer interfered in the matter but without success. Subsequently, on 25th September, 1961, Sambandam was served with a memo Ex. W-5, containing additional three heads of charges:

(1) The first was that he applied for casual leave and permission from 23rd to 27th August and handed over the leave letter and the safe-keys to the Officer-in-charge at his residence, when the officer told him that he was going out of the station on 24th August and therefore could not grant him casual leave; but the keys were handed over to the Officer and the leave was availed of on loss of pay; as Cashier in joint custody of the Bank's safe-keys, Sambandam had committed a grave breach of discipline by absenting himself from Cochin without sanction and handing over the keys to the officer, who was holding the other joint keys and hence acted in an irresponsible manner and against the interest and safety of the Bank's cash and securities.

(2) The second charge was that Sambandam applied for one-day leave on 2nd September, 1961, on the ground that he had to attend a function in Virechilai; he did not go there on that date, but went to Coimbatore; that is to say, he applied for leave on a false ground. (3) The third was that Sambandam applied on 31st July, 1961, for privilege leave for 12 days from 5th August, 1961, for eye-testing and eye-treatment, and after obtaining sanction, spent the time in going about Dharapuram Salem, Madras and other places, that is to say, he made a false statement for obtaining leave.

3. There was an enquiry on those four charges, and the enquiry officer found him guilty on all the charges, and accepting that finding the management passed the Order Ex. W-7, dated 26th December, 1961, terminating his services with immediate effect.

4. It is now well established that as against the findings the domestic enquiry tribunal cannot sit in judgment as a court of appeal, and the limits of its interference are defined by the Supreme Court in the Indian Iron and Steel Co., Ltd., case, (1958 S.C.R. 667), in which it is laid down that such interference can only be on the following grounds:

"...In cases of dismissal on misconduct, the Tribunal does not, however, act as Court of appeal and substitute its own judgement for that of the management. It will interfere (i) when there is want of good faith, (ii) when there is victimisation or unfair labour practice, (iii) when the management has been guilty of a basic error or violation of a principle of natural justice, and (iv) when on the materials the finding is completely baseless or perverse".

5. We have therefore to consider, in the light of those principles, whether any such ground exists in this case for interference. As stated above, the first charge was that Sambandam has been soliciting and accepting gifts from the constituents of the Bank, which is against discipline. The Bank has framed Staff Regulations and Rules of Service, marked as Ex. M-3. Article 19 of those regulations provides that an employee shall not solicit or accept any gift from a constituent of the Bank or from a subordinate employee. Two of the constituents of the Bank mentioned in Ex. W-2(a) were examined. It may be mentioned that Sambandam, as the Vice-president of the Bank Employees' Union, has been collecting donations to augment the funds of the union. The evidence of one of the constituents was that Sambandam asked him a donation of Rs. 5 for the union, and he paid it and obtained a receipt. The evidence of the other constituent was that Sambandam asked him donation for the union. It is therefore clear that the donation which Sambandam asked for and received from the constituents of the bank were all for the union and not for himself. This fact is admitted by Sambandam himself. The Enquiry Officer held that even acceptance of any gift for the union is prohibited by article 19 of the Staff Regulations and therefore he is guilty of serious misconduct. It must be stated that Sambandam did not solicit or collect donations for the union during working hours or in the bank premises. That he did at Dharapuram and not even at Coimbatore where he was employed. But the contention is that the acceptance of any gift from constituents of the Bank even for the Union is prohibited by that article. Ordinarily, a gift implies that it benefits the person who accepts it. There may be good reasons for prohibiting any employee from securing any benefit to himself from any constituent to whom by reason of such gift the employee would be induced to show some special favour. There is no such compelling reason to extend this prohibition even to cases where donations are collected for public or charitable purposes or other deserving causes. If the intention of the regulation was to prohibit even such donations, the relevant article had to be drafted in clear language so as to leave no room for any doubt. On the absence of such clear language, there is no justification to give an extended meaning to the word 'gift' in that article and find this employee guilty because out of office hours and from constituents in

other places, he collected small donations for the union. If there is any ambiguity or doubt in regard to the scope of that article, it must go to the benefit of the employee who is in the position of an accused. In my view, therefore, Sambandam was not guilty of the breach of the regulation by reason of his collecting small donations from the bank's constituents in other places for the purpose of the union.

6. As regards the second charge, namely, that he absented himself from Cochin from the 23rd to 27th August, without sanction, handing over the joint keys to the officer who was holding the other set of keys and therefore acted in an irresponsible manner. At that time Sambandam was working in the Cochin Branch of which one Murugappan was the Officer-in-charge. He was the officer **competent to grant leave to the Cashier.** And so, Sambandam presented to him a leave application on 23rd August, 1961. The leave application bears an endorsement of the Officer-in-charge to the effect that the leave was sanctioned on loss of pay. It also makes a record of the fact that the Cashier's safe-keys were handed over to the Agent. It is therefore meaningless to say that the Cashier left the station without sanction. But, it was urged that Sambandam should not have, under any circumstances, handed over the safe keys to the Officer-in-charge who was already holding the other set of keys and thereby placed the cash and the securities of the Bank in jeopardy. Sri Swamintha Iyer who appeared for the management was not able to draw my attention to any of the regulations of the Bank in regard to the handing over the keys that under no circumstances the cashier could hand over the keys to the officer-in-charge who is already holding the other set of keys. It so happened that in the present case, the other two clerks who could receive the keys from the cashier were not available. It was the duty of the Officer-in-charge to give directions as to the custody of the keys. He gave no such directions, but received the keys himself. I fail to see why Sambandam should be punished for what the Officer-in-charge did or omitted to do. He should have refused the leave and compelled Sambandam to stay on or having granted the leave he should have given appropriate directions as to what Sambandam should do with the keys. The direction he gave was to receive the keys himself. It was not the contention of the management that the Cashier could have taken the keys himself when he left the station on leave. He had to hand over the keys before he left. The officer-in-charge did not direct the cashier to hand over the keys to somebody else. There is no rule or regulation brought to my notice that even in such circumstances the cashier should not have handed over the keys to the Officer. It was pointed out by the management that there was no such urgency for Sambandam to leave the station after handing over the keys to the Officer-in-charge, but he could have waited in the station till someone else became available to take over the keys from him. This line of reasoning is meaningless, for when once the leave was sanctioned he had a right to leave the station after handing over the keys to such person as the officer-in-charge might direct. It will also be seen from the evidence of the Officer-in-charge that during those days he had himself obtained the sanction of the higher authorities to leave the station, and so he had handed over his set of keys to the Officer-in-charge at the Alleppey Branch, so that at the time when Sambandam handed over his set of keys, the officer-in-charge did not have with him his own set of keys. This, Sambandam knew, as he was told so at that time. Thus, when Sambandam handed over his keys, both the sets of keys had not gone into the hands of the Officer-in-charge. It was pointed out that it was open to the Officer-in-charge to obtain his own set of keys from Alleppey and make use of both sets of keys. But Sambandam could not ordinarily be expected to contemplate and provide for all such contingencies. Sambandam might not know when the keys at Alleppey would become available to the Officer-in-charge. If the circumstances were such that the Cashier should not leave the station, handing over the keys to the Officer-in-charge, it was clearly the duty of the Officer to have refused the leave and compelled the cashier to remain in the station. The finding of the enquiry-officer was that the sanction given by the Officer-in-charge cannot be considered to be a willing sanction but a sanction obtained by coercion. I should only characterise that finding as fantastic. It is difficult to imagine what coercion or compulsion the cashier could have exercised on the Officer-in-charge for obtaining the sanction. It may be that the Officer-in-charge was reluctant to grant it; but it is utterly meaningless to say that it was extracted out of him by coercion or compulsion. Indeed, the Officer himself in his letter dated 26th August, 1961, to the Head Office reported that he granted the leave on loss of pay to the Cashier and received the keys, and that the cashier pressed him for leave. The enquiry-officer also found that Sambandam had acted in a most irresponsible manner without caring for the Bank's interest in not remaining at Cochin but going to Coimbatore where he had no urgent business. It is

difficult to understand this finding, for, when once the leave was sanctioned by a competent authority, he had the necessary permission to leave the station. If Sambandam's leaving the station was detrimental to the bank's interest, it was clearly the duty of the Officer-in-charge to have prevented it by refusing to grant the leave. Sri Seetharman appearing for the union contended that there is no article in the Bank's Regulations (Ex. M-3) prohibiting the handing over of the keys to the Officer-in-charge who was holding the other set of keys. But, under Article 25 an employee who "knowingly does anything detrimental to the interests of the Bank" will render himself liable for punishment. On the facts of this case, it is clear that Sambandam did not knowingly do anything detrimental to the interests of the Bank. What he did was done with the full sanction and concurrence of the competent authority. There is no article in the Bank's regulations providing that under no circumstances the cashier should hand over his set of keys to the Officer-in-charge. In my view, this charge must fail.

7. The other two charges may be taken together. Sambandam applied for leave on 2nd September 1961 on the ground that he had to attend a function at his sister's house in Virachilai and did not go there, but spent the time at Coimbatore, and similarly he applied for 12 days privilege leave in August 1961 for eye testing and eye treatment but spent the time going about other places; in other words he obtained leave on both the occasions on false grounds. The explanation offered by Sambandam was not accepted by the Enquiry Officer. His finding was that on both the occasions he applied for leave on false grounds which is against the staff regulations. But there is nothing in the staff regulations (Ex. M-3) to constitute false grounds in leave applications into an act of misconduct. In the absence of any such regulations, it will not be permissible for the management to terminate the services of an employee on that ground. The remedy is to amend the regulations or to refuse leave to employees who resort to false grounds.

8. It follows that none of the charges on which Sambandam was sent out of service is legally sustainable, and the findings of the Enquiry Officer must be characterised as perverse and call for the interference by this Tribunal.

9. Sri Seetharaman for the union also contended that in this case, the order Ex. W-7 terminating the services of Sambandam was passed by the Secretary of the Bank, and under the regulations he was not the competent authority to do so. It will be seen from Article 3 of the regulations that Sambandam as cashier will fall under category 'D'. The management contended that he would fall under category 'E' as he was only an assistant in the cash department. But the order Ex. W-1 shows that Sambandam was a cashier in Coimbatore and was transferred to Cochin Branch as cashier. It will also be seen that in the charge-sheets Exs. W-2 and W-5, as well as in the orders W-3 and W-3(a), Sambandam is described only as Cashier of the Cochin Branch and not as an assistant in the cash department. It must therefore be taken that he belongs to category 'D'. That being so, under article 27 of the Regulations, the Secretary is given no power to pass the order of discharge or dismissal against that category of employees. It follows that the discharge of Sambandam from service by the Secretary was made by an authority not competent to do so.

10. The result is that the discharge of Sambandam from service was utterly unjustified, and in all the circumstances of this case it seems to me that he was made the victim of those charges only because as Vice-President he was collecting donations for the union and actively participating in its organisation.

11. The other employee concerned in this reference is Venkataraman, a clerk in the Central Office at Madurai. In September-October 1961, charge memos Exs. W-8 and W-8(a) were served upon him charging him that on the evening of 7th September 1961 at about 6-30 p.m. after office hours, he went upstairs to the office and typed some private letter and interfered with the Steno-Typist's drawer and ransacked the papers. Pending enquiry he was placed under suspension by the order Ex. W-9 dated 27th October 1961. An enquiry was held on that charge, and the enquiry papers are filed as Ex. M-4. Three witnesses were examined in support of the charge namely, the Inspector of Branches Mr. P. K. Srinivasan, Accountant Ratnam, and the Peon Pitchai. I have been taken through their evidence and I find that not one of them has spoken to the charge that this clerk opened the drawer of the Steno-typist's table and ransacked the papers. No doubt, the drawer remained open, but they did not depose and that it was the clerk who opened it. They do not know if the clerk ransacked the papers in the drawer. The Enquiry Officer's finding that this clerk would have stealthily gone upstairs to the Stenographer's table to fish out information relating to union matters, is based on

pure imagination. What all the witnesses saw was that this clerk was typing a paper on the steno-typist's typewriting machine. His table was downstairs, and because he found the machines there all locked up, he went upstairs to do this small typing. Peon Pitchai saw it and reported to the Accountant Ratnam, who came and remonstrated with Venkataraman. The Inspector of Branches was then writing his report and he also went upstairs. All that the evidence establishes in this case is that on the machine of the stenotypist, shortly after office hours, this clerk typed a small private matter. This is all the misconduct which the clerk was guilty of and no other. It will be seen that this clerk is employed in the very same office, and not a stranger to it. There is no evidence that he stealthily went upstairs to spy out information for the union. There is no evidence that he had any criminal intent when he went upstairs. The fact that he typed some private letter on the typewriter belonging to another clerk of the same office is certainly not an offence entailing loss of his job. There is nothing in the regulations justifying the termination of his services for this peccadillo. To terminate his services under such circumstances seems to me perverse and an act of victimisation for his being a member of the executive committee of the union. It will also be seen that under Art. 27 of the Staff Regulations, the Secretary of the Bank can pass the order of dismissal in regard to this clerk who falls under category 'E'. But instead of doing so, the matter appears to have been placed before the Board of Directors, who accepted the findings of the enquiry officer and resolved to terminate the services of this clerk. When the clerk applied for the copy of the findings of the Enquiry Officer, the Secretary refused to comply with his request on the ground that it was a confidential document. It will be seen that if the Secretary had passed the order terminating the services of the clerk, he would have had the right of appeal to the Board under Article 29. By the procedure adopted by the Secretary, the clerk was denied not only his right of appeal but also the right to obtain a copy of the Enquiry Officer's findings. In the above circumstances, I feel compelled to interfere with the punishment awarded to this employee.

12. In the result, in the case of both these employees, the charges are unsustainable, and they did not deserve to be sent out of service. Circumstances point to the inference that all their trouble was due to the fact that they were active members of the union. Both these employees must therefore be reinstated with back wages and without break in the continuity of service. In view of this finding, it is unnecessary to consider the question of suspension raised under issue No. 1.

13. An objection was taken by the management as to the maintainability of this reference on the ground that the office-bearers of the union were not duly authorised to raise this dispute on behalf of these employees, and therefore it must be regarded as an individual and not an industrial dispute. It is true that a dispute relating to an individual worker can become an industrial dispute only if it is sponsored by the union or by a considerable number of workers. In this case the union has produced the minutes book Exs. W-12 and W-12(a). Ex. W-12 is the minutes of the emergency meeting of the executive committee and unit representatives, wherein a strong protest was recorded against the suspension of Sambandam and Venkataraman. It authorised the office-bearers of the union to take all necessary steps to safeguard the interests of the employees. Ex. W-12(a) is the minutes of the emergency meeting of the Central Committee and the active workers held on 28th January 1962, resolving that an application should be filed to the Government of India for a reference of this dispute for adjudication, and authorising the General Secretary to take necessary steps. It will thus be seen that the individual disputes of these two employees were sponsored by the union, as a result of which this reference was made by the Government. It was contended for the management that there was no meeting of the general body, in which any such resolution was passed. But according to the bye-laws of the union, the general body shall consist only of the representatives elected from among the members of each Branch at the rate of one representative for every ten employees. As this dispute is sponsored by the union, about whose representative capacity there is no controversy, it must be considered to be an industrial dispute.

13. There will be an award as stated above.

(Sd.) K. RAMASWAMI GOUNDAR,

Industrial Tribunal.

[No. 51(2)/62-LRTV]

New Delhi, the 7th May, 1962

S.O. 1450.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Dhanbad, in the matter of an application under section 33-A of the said Act from Shri Kant Kumar Dwivedi, ex-employee of the United Commercial Bank Limited.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, DHANBAD

APPLICATION No. 284 of 1961

(arising out of Reference No. 1 of 1960 of the National Industrial Tribunal (Bank Disputes) Bombay).

In the matter of complaint under Section 33-A, of Industrial Disputes Act, 1947 (XIV of 47), transferred from the file of the National Industrial Tribunal (Bank Disputes), Bombay, by letter No. NIT (Banks)/134/60, dated 27th January, 1961.

PARTIES:

Shri Kant Kumar Dwivedi, c/o Bihar Provincial Bank Employees Association, Mokhtartoli, Patna-3.—*Complainant.*

Vs.

The United Commercial Bank Ltd., Muzaffarpur, having its H.O. at 2 India Exchange Place, Post Box No. 2455, Calcutta-1.—*Opposite party.*

PRESENT:

Shri C. B. Mitter, M.A.M.L.,—*Presiding Officer.*

APPEARANCES:

No appearance for the applicant.

Shri R. V. Govindan, Law Officer, for the Bank.—*Opposite party.*

Dhanbad, the 30th April, 1962.

STATE: Bihar.

INDUSTRY: Banking.

AWARD

This application is under Section 33-A, of the Industrial Disputes Act, 1947 (XIV of 47), has been filed by one Kant Kumar Dwivedi on the allegation that although he was appointed as a clerk to fill in a permanent post on 15th February, 1960, and was shortly thereafter deputed to work as a clerk-cum-Assistant Godown Keeper, and although he had all along been performing his duties conscientiously to the satisfaction of his superiors, the opposite party terminated his services by their letter dated 19th August, 1960, at a time when he had already completed six months of service and had earned the right to be confirmed as per Sastry award. This termination, according to the applicant, violated the provisions of Section 33, firstly because that an industrial dispute concerning the employees in the banking companies was pending before the National Industrial Tribunal (Bank Disputes) and secondly because, no notice of termination was given to the petitioner nor was the procedure for such termination as laid down in the award was adopted by the Bank. It is further contended that the action of the Bank in terminating the service of the applicant when he had already completed six months four days of service was *malafide* and that as such this court might be pleased to pass necessary orders in the case.

2. It is contended by the Bank in its reply that as the applicant was appointed on a temporary basis the provisions of Section 33, were not attracted at all. It is next contended that the applicant was not appointed to fill a permanent post and that it was wrong to suggest that the Bank in terminating his services was actuated by the *malafide* motive of depriving the workman of his right to confirmation. It is further alleged that the services of the applicant were terminated as his work was found not satisfactory and that the reasons for such termination were not disclosed as otherwise the interests of the applicant would have been harmed thereby. It is, finally, contended that that as the applicant was a temporary employee, it was neither necessary to give him any notice of termination nor was it necessary to serve on him a show cause notice nor to follow the procedure laid down in Sastry Award.

3. The contention of the Bank that the provisions of Section 33, are not attracted in a case of termination of service of a temporary employee must fail as there is no such word qualifying the term 'workman' in that section. In the case between State Bank of India, Indian Staff Association and State of India (1957-1-L.L.J. p. 97), the Appellate Tribunal of India observed that it was well settled that even a temporary workman was entitled to the protection afforded by Sections 33 and 33-A of the Act.

4. The next contention of the Bank is that as it was a case of termination of service simpliciter strictly in conformity with the terms of the appointment, it was not necessary for them to follow the procedure laid down in Section 33(2) (b) of the Act. Here the Bank stands on good ground. It was well settled that the employer would be required to seek the approval of the Tribunal before whom the reference is pending only in a case where the action taken by them is punitive. (Atma Singh Vs. Anil Starch—1960-1-L.L.J. p. 77). Where, therefore, the services are merely terminated without any intent to punish the incumbent, the provisions of Section 33, of the Act would not be attracted at all. It is true that the court has been empowered to examine the *bonafides* of the employers and to satisfy itself that the termination was not a mere camouflage resorted to by them with a view to avoid the dilatory procedure of charge sheeting the employee and enquiring into the charges. But in this case no materials have been placed on record by the workman to assist the court in coming to a finding of *malafide* on the part of the Bank, and on the principle that law would always presume the absence of what is edious and dishonourable. I am constrained to hold that the contention of the bank that it is a case of termination simpliciter should stand.

5. It is of course true that according to the Sastry Award even a temporary employee is entitled to have 14 days notice of termination. But in order to found a complaint under Section 33-A, it is not sufficient merely to conclude that there has been a violation of the terms of the Sastry Award. It is essential to determine if the provisions of Section 33, have been contravened. According to this Section the employer in discharging or dismissing an employee for misconduct is required to act in accordance with the standing orders. But when no punitive element is discernible in the action taken by the Bank, it would be idle to consider if the standing orders or for the matter of that the terms of Sastry Award have been contravened.

6. In the result, the complaint is ordered to be dismissed. There will be no order as to costs.

DHANBAD,

The 30th April, 1962.

Sd./- C. B. MITTER,

Presiding Officer,

Central Government Labour Court Dhanbad.

[No. 56(3)/62-LRIV.]

B. R. SETH, Dy. Secy.

CORRIGENDUM

New Delhi, the 3rd May 1962

S.O. 1451.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 669, dated the 27th February, 1962, published at pages 603 and 604 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 3rd March, 1962,

for "3 Maragowdanahalli",

read "3 Naragowdanahalli".

[No. F. 13(5)/62.]

BALWANT SINGH, Under Secy.